the weekly Standard

NOVEMBER 30 / DECEMBER 7, 1998 $3.50

A WORLD WITHOUT RACIAL PREFERENCES
DINESH D'SOUZA

ADULTERY THEN AND NOW

BY DAVID GELERNTER

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This is a combined issue. The next issue of THE WEEKLY STANDARD *will appear in two weeks. Happy Thanksgiving.*

the weekly Standard

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BPA INTERNATIONAL

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A Dash to the Exits

The Lewinsky scandal has now produced its first and so far only resignation on principle. Incredibly, that resignation comes not from the White House but from the staff of independent counsel Kenneth Starr. Sam Dash, famous for his role as chief counsel to the Senate Watergate committee in 1974—and retained by Starr as ethics adviser these past few years—abruptly quit on November 20, the morning after the independent counsel testified before the House Judiciary Committee for 12 hours.

Dash argues that, by so testifying, Starr "violated [his] obligations under the independent counsel statute and . . . intruded on the power of impeachment." In a letter to Starr, Dash wrote, "You have no right or authority under the law, as independent counsel, to advocate for a particular position on the evidence before the Judiciary Committee or to argue that the evidence in your referral is strong enough to justify a decision by the Committee to recommend impeachment."

Dash is wrong both as a matter of fact and as a matter of law. During his November 19 testimony, Starr carefully and repeatedly declined to "advocate" or "recommend" impeachment, correctly reminding the Judiciary Committee that such decisions were Congress's responsibility alone. Starr could not, however, decline to appear at all or refuse to defend his impeachment referral to Congress without running afoul of precisely the statute Sam Dash cited in his resignation. Section 595(a) of the U.S. Code's Title 28 explicitly grants the Judiciary Committee "oversight jurisdiction with respect to the official conduct of any independent counsel." The same law charges an independent counsel with "the duty to cooperate with the exercise of such oversight jurisdiction."

In other words, if the Judiciary Committee requests Ken Starr's testimony, Ken Starr must testify. Period. Whatever led Dash to resign, it cannot be a question of the independent counsel's ethics.

Now, then. When will some high-level Clinton aide resign from the administration in protest of their top man's (infinitely less debatable) criminal violations?

Clash of the Manifestos

The several hundred historians and law professors who ginned up manifestos supporting the president have received huge amounts of media coverage. Not so the call for Clinton's resignation from 32 prominent religious leaders organized by the Institute on Religion and Democracy ("A godly man will strive to avoid sin," it read in part) or the remarkable public declaration of 74 prominent Christian theologians, published on a new Web site set up for the occasion, www.moral-crisis.org.

The latter group, though divided on impeachment, came together to protest the "manipulation of religion and the debasing of moral language" in the Lewinsky affair. The document is both morally serious and subtly argued and deserving of a larger readership than it has gotten. Here is an excerpt:

"Many of us worry about the political misuse of religion and religious symbols even as we endorse the public mission of our churches, synagogues, and mosques. In particular we are concerned about the distortion that can come by association with presidential power in events like the Presidential Prayer Breakfast on September 11. We fear the religious community is in danger of being called upon to provide authentication for a politically motivated and incomplete repentance that seeks to avert serious consequences for wrongful acts. While we affirm that pastoral counseling sessions are an appropriate, confidential arena to address these issues, we fear that announcing such meetings to convince the public of the President's sincerity compromises the integrity of religion.

"We challenge the widespread assumption that forgiveness relieves a person of further responsibility and serious consequences. We are convinced that forgiveness is a relational term that does not function easily within the sphere of constitutional accountability. A wronged party chooses forgiveness instead of revenge and antagonism, but this does not relieve the wrongdoer of consequences. When the President continues to deny any liability for the sins he has confessed, this

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suggests that the public display of repentance was intended to avoid political disfavor."

Engineers for Impeachment

Kenneth Starr doesn't have many defenders these days, but there are some. Last week, 15 of them gathered in front of the Rayburn House Office Building in Washington. Inside, Starr was reading from his statement to the Judiciary Committee. Outside, on the sidewalk next to the cab stand, members of the Clinton Investigative Committee marched in place, brandished signs, and shouted anti-Clinton slogans. One of them, a middle-aged man in a kilt, played the bag pipes. "Treason Is The Reason"; "Impeach, For The Children"; "Judge Starr, Patriot," read the posters. The group stood outside for a couple of hours, and there were only a few black-helicopter moments (at one point, the cry went up, "Who shot Ron Brown?").

Eric Cooper, a thirtyish defense contractor from Alexandria, said he had wandered over to the event on his lunch hour because "what's more important than this?" Raoul, an engineer from New Jersey who declined to give his last name, said he took a day off and left home at 5:00 A.M. to join the group, most of whom he had already met at the FreeRepublic.com Web site. "Probably two-thirds of the people here are engineers," Raoul estimated. "Engineers tend to be very logical."

And maybe a bit deluded, too. About noon, the marchers gathered for a group picture, then began a cheer: "The public is with us!" they shouted. "The public is with us!" In the background, a few curious Hill staffers peered down from the balcony of the Rayburn building. An AP photographer took pictures. Otherwise, the silent majority remained remarkably silent.

Opposition, Finally

Where were the Republicans when Bill Clinton was allowing Saddam Hussein to humiliate the United States yet again? Missing in action, for the most part, as they have been all too often in recent years. There were a couple of notable exceptions, though. Sen. John McCain on ABC's *This Week* pungently described the president's hope that Saddam Hussein would behave this time as "boilerplate. It's regrettable that the president uses that kind of language. [Saddam Hussein] is a bad man." Good stuff. But McCain's colleague Richard Lugar saw him and raised him one. On *Meet the Press,* Lugar was asked about the use of ground troops to eliminate Saddam Hussein, and he didn't flinch: "Yes, I think that probably will be inevitable," he said. A serious opposition should rise to this level more often.

Help Wanted

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Casual

A Real Fan's Work Is Never Done

Here's a little-known fact about genetics: We are born not only with certain physical traits and dispositions, but with a set of athletic teams we are destined to support. With women, the team gene is often latent. But with many men, including me, it activates early in life and never wanes. Being a fan is painful, the basic problem being that the thrill of victory barely exists. There's the agony of defeat all right. But there's also the agony of victory. Defeat causes clinical depression and aimlessness. Victory makes you crazy and stupid.

Before I elaborate, let me mention another little-known fact: Sports fans dedicate far more time to their teams than non-fans realize. All the hours spent going to games or watching them on TV—that's only a small part of it. So is the large amount of time devoted to talking about their favorite teams. But it's *thinking* about their teams that sops up the most time. Real fans lie in bed and meditate about their teams before going to sleep. They contemplate trades. They juggle lineups. They try to figure out how their teams will fare years from now. And, of course, they commit the sports section to memory every single day.

I'll be specific. I was born with a strong predisposition to like the Boston Red Sox, the West Point football team, the Washington Redskins, the Washington Bullets (sorry, I mean Wizards), and any team, male or female, from the University of Virginia.

My father once coached Dom DiMaggio on an Army team in California in the 1930s. Years later, he gave me a ball with Dom's autograph, and it touched off my genetic bias in favor of the Red Sox. (Dom played on the Red Sox. His brother Joe was the Yankee.) I still like the Red Sox. The reason I like West Point football is my dad went there. Genetics, again. The rest—Skins, Wizards, UVA—are partly environmental because I grew up in northern Virginia. But there's a genetic element, too. As a military officer, my dad was bound to work at the Pentagon sometime and thus live nearby.

Okay, let's turn to defeat. The truth is fans can't deal with defeat. It overwhelms them. It affects their state of mind for days, months, occasionally years. Faced with a stinging defeat, I try to exert mind over matter. It rarely works. When Virginia's then-unbeaten football team lost to Georgia Tech this fall, I tried to blot it out. But I woke up the next morning—a beautiful sunny day—obsessively recalling the touchdown pass that gave Georgia Tech the game. I can still see the play vividly, and my mental picture of it will never go away. Ever. I'm sure of it.

As for the Red Sox, I pledged to stop paying any attention to them after the sixth game of the 1986 World Series. I failed. The Skins? As bad as they are, I'll wind up going to a game or two. The Wizards? I was confident they'd rise to the top tier of the National Basketball Association last season, led by Chris Webber. I was planning on it, and I had a lot of emotion wrapped up in the thing. But the Wizards didn't even make the playoffs, and Webber was exiled to Sacramento. For me, it produced a big-time mood swing.

Even if I could abandon some of my teams, there'd be a problem. How would I fill all that time I used to devote to thinking about them? I don't know. This fall, I've managed to dwell less on the Skins, and the NBA season has been delayed. But I haven't figured out how to fill all the white space on my mental calendar. Sunday nights, I used to scour the sports shows for Skins clips. Now I've started watching *The X-Files*. Weeknights, I watch tapes of old *X-Files* shows to compensate for Wizards games that aren't being played. And I still have empty mental time.

Victory makes life better, but only up to a point. Victory causes fans to lose all perspective and common sense. Ever listen to what callers say on sports talk radio when their team has won? Daft stuff. When the Skins won their first game after losing seven, one of my friends declared, "You know, 9-7 would probably get the Skins into the playoffs." One victory and he'd lost his mind. After the Skins dropped the next game, leaving them at 1-8, he was still living off the single win. "An 8-8 season isn't that bad," he said. He'd become delusional. I recognized the symptom, having experienced it myself.

Yes, there is a thrill of victory. It lasts a few seconds before agony settles in. For me, the greatest moment in decades of fandom was the second quarter of the 1988 Super Bowl, when the Skins scored 35 points against Denver. The game was won. And immediately a doleful thought crept into my mind: The Skins will never be better than they've just been. They've peaked. It's all downhill from here. Sad to say, it has been.

Fred Barnes

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It Could Have Been Worse

To William Kristol and David Tell's analysis of the meaning of the recent electoral debacle, let me add a small bit of consolation ("A Teetering Republican Majority," Nov. 16). The effect of Bill Clinton's misdoings was, in fact, enormous. Suppose the president, after his party's disaster in 1994, had shrewdly forced himself to become a model executive in both his public and private life. The result of the recent voting would then have been a nationwide Democratic sweep of both the Senate and House comparable to FDR's victory in 1934. Only Monica and the other "-gates" prevented this catastrophe from happening.

Park Chamberlain
Woodside, CA

I always enjoy reading the views of William Kristol and David Tell, but, rather than being humble about misforecasting the recent elections, they should feel vindicated.

At the start of the Lewinsky scandal, they each cautioned against the congressional Republican split-the-difference, run-out-the-clock strategy. They were right! Maybe next time the party elders will listen.

Dennis Campbell
Reston, VA

Un-cynical Patriotism

While Andrew Ferguson was squinting to find the most colorful figures at the Free Republic March for Justice on Halloween, he overlooked the vast majority of us who did not use the occasion to dress up as Cigar Man or Chicken Bill ("The Armies of the Right," Nov. 16).

Looking down on us from whatever higher ground he inhabits, Ferguson certainly has his fun with our event; he finds a way to ridicule our patriotism from every possible angle. What did he care how far some people had traveled or how they had scraped together the money to pay for the opportunity to vent outrage at Bill Clinton's immoral, and probably criminal, behavior?

Ferguson's account of the March for Justice stands as a classic example of inside-the-Beltway cynicism. He is so eager to seize on the radical and comical elements of our protest, he missed the big picture: Here were thousands of Americans who still give a damn about what kind of person their president is.

Ferguson may find this hard to believe, but most of us who made the trip to Washington traveled at our own expense not to hear the latest Lewinsky jokes, but to sincerely demand the resignation, or impeachment, of the man who has disgraced our nation and diminished it as a champion of truth and justice in the world.

Michael P. Doyle
Lansing, MI

The GOP's Own Fault

Michael Barone sadly reflects the intransigent state of denial that has cost the Republicans dearly in the recent past ("A Party of Governors," Nov. 16).

This blind denial of fault on the Republican side is evident in Barone's analysis of the collapse of California's public schools. Barone asserts, "Over the last 25 years, while Democrats allied with teacher unions, the schools of education, and Sacramento bureaucrats have had custody of California public schools, test scores have sent the state plunging from the top 10 in the nation to number 49." Barone fails to mention either that this decline also correlates with Republican control of the governorship for 24 of the last 32 years, or that in the wake of those governors' fiscal policies and the tax-revenue shortfalls resulting from Proposition 13 (which was enacted in 1978), California now ranks 43rd nationally in education spending, allotting about $30,000 less per classroom a year than the national average.

The recent elections confirmed that the majority of Americans, along with responsible intellectuals on both the left and right, are fed up with this kind of partisan tendentiousness and reductionism that refuses to admit any degree of fault on one's own side or any rectitude on the other.

Donald Lazere
Oakland, CA

REI and the Great North

I very much enjoyed David Brooks's story on REI ("Cell Phone Naturalists," Oct. 26). REI is a major presence here in Anchorage. In fact, driving within a mile of the REI store on a sale day is life endangering—rude REI acolytes in SUVs literally run less perceptive, tender, and caring people off the road with shouts, gestures, and impatient glances.

A friend of mine who is 61 has lived in Fairbanks for 32 years. She has raised three children, bakes cookies, plays the violin, and holds a Ph.D. in oceanography. Every morning during the winter, she and her husband cross-country ski—in the 20- to 50-degree-below-zero weather—for four or five miles. During the summer, she and her husband walk the same trails every morning, alert for varmints and bears. She owns nothing from REI.

She once told me, "Every time I go by REI, I feel like walking right to the middle of the store and lighting up a cigarette." (And she doesn't even smoke!) That's an image to be relished.

Jim Babb
Anchorage, AK

Truth, Language, Faith

Richard John Neuhaus is correct that in his new encyclical, *Fides et Ratio*, Pope John Paul II aspires to revitalize the philosophical discourse

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encompassing faith and reason in search of the "final and only truth" ("Faith Defends Reason," Oct. 26).

Final truth lies beyond ideas about truth, that is, beyond language. When it becomes known, though it solves the human problem, it is seen to be ineffable.

The "faith and reason" discourse is guaranteed a long future.

P.M. Thompson
Titusville, FL

Reading Reagan Right

Reading Norman Podhoretz on Ronald Reagan, one is impressed with the lack of fundamental sympathy for the position of the man ("The Riddle of Ronald Reagan," Nov. 9). It is actually rather painful to read.

Podhoretz relates an anecdote about a meeting in 1980 between the candidate and a gaggle of intellectuals, disaffected anti-Communist Democrats, most still regarding themselves as social democrats. Reagan had been given the task of winning them over.

Rather than sell the virtues of a strong defense, which they are presumed to agree with, he extols the utility of public-private partnership. Rather than try to convince them that he is strong enough on communism, when most intellectuals regard him as a warmonger, he tries to impress them with his geniality and grasp of domestic policy. And Podhoretz, rather than understand why Reagan might take such a tack, right or wrong, wonders at his performance, characterizing it as "wildly irrelevant" and "baby talk." Of course, in the end he condescends to give Reagan the benefit of the doubt. Still, he finds many of Reagan's actions similarly incomprehensible, decides that he is far more of a "conventional politician" than had been assumed, and finds him a somewhat mysterious person.

Reagan understood that, at the end of the day, he was being paid for his judgment and his ability to lead. He knew how to set a legislative agenda and get a good portion of it passed. He knew how to get our NATO allies to allow the placement of intermediate-range missiles, despite a massive European anti-nuclear movement. He knew how to get liberals like Steve Solarz aboard in support of the dubious Afghan insurgents, and how to keep conservative support despite his willingness to negotiate with Gorbachev. In short, he was a statesman—someone with a sense of the historical moment and his role within it.

Reagan was intelligent enough, but more important, he had the instincts and experience that develop political talent. Had he been more ideologically truculent, he would have lost his effectiveness, and the gains in economic and geopolitical restructuring that he bequeathed us might not have come about. Had he been less driven by the twin goals of reducing the burden of government and rolling back the Soviet advance, he would have accomplished little except his own self-aggrandizement—much like what Bill Clinton has become.

History is messy and not subject to laboratory conditions. It is difficult to establish clear lines of causality. Liberals predicted that Reagan would exacerbate tensions with the Soviet Union, provoke them into more aggressive behavior. Conservative critics, however, thought that he was going soft on the Soviets, thus strengthening the hand of the Communists and once again emboldening them to attempt foreign adventures and to try to corrupt NATO. Neither set of critics came near to being correct. Indeed, some conservatives are as adamant as any liberal that Reagan was merely lucky to come up against Gorbachev. The fact that virtually no one except Reagan anticipated the fall of the Soviet Union within our lifetime has made little impression on them.

Reagan's supposed fecklessness in Reykjavík—he was criticized by liberals for blowing a deal on nuclear disarmament, and by conservatives for allowing the issue of disarmament to be placed on the table—was a particularly masterful stroke. By making SDI the deal-breaker, he increased public support for missile defense and scared the Soviets badly. For the first time, they took seriously the possibility that we would outspend them on missile defense and permanently alter the balance of power. That was the beginning of the end of the Soviet Union.

The most serious black mark against Reagan's administration, the Iran-contra affair, was not as bad as has been asserted. Reagan honestly thought that he was strengthening the hand of supposed moderates in the Iranian regime. He did not think of himself as trading arms for hostages, since he did not think of himself as dealing with those responsible for those acts of terrorism. As for funding the contras, no president has accepted limitations on foreign policy of the sort the Boland Amendment attempted, and Reagan felt he had a moral obligation not to abandon the contras while litigating the matter, so he used a slippery expedient to get around it.

More broadly, Reagan was also a great force in American culture. He recalled to Americans, after the turmoil of the '60s and the cynicism of the '70s, after Watergate, the hostage crisis, and the selling of declinism, their best ideals and aspirations.

He energized them to step forward once again, confident that America could renew itself and meet the challenges of the times. He made people feel the noble sweep of our nation's history, and to feel, as he did, the call of destiny.

It has been said that character is destiny. Reagan expressed the American character, which had led us to victory in the Second World War and to the noblest peace mankind had ever seen. He told us of an America that had fought at Normandy and rebuilt Europe and kept the tyranny of communism at bay; an America constantly struggling to live up to its ideals, but also one that has ideals of political freedom and human dignity to live up to. And we were encouraged because he was there to rally us, to resist decline and renew the promise of America.

There is no great mystery here, only a great man.

Michael David Blume
Annapolis, MD

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Cleaning Up the Laborers

I have read worse articles than Eugene Methvin's "A Corrupt Union and the Mob" (Aug. 31, 1998) and more unfair ones, but not many, and not much worse. Methvin's accusation that "from the start" I have "seemed to drag [my] feet" as General Executive Board (GEB) attorney, responsible for prosecuting organized crime corruption uncovered by the Inspector General of the Laborers International Union of North America (LIUNA) is repugnant to me. Nothing could be further from the truth.

Through the reform process, and with constant scrutiny by the Justice Department, the union has made extraordinary strides to rid itself of organized crime corruption. Of the scores of individuals identified by the government in its 1994 draft RICO complaint as members or associates of organized crime, only Arthur Coia, who is currently facing charges before the LIUNA Independent Hearing Officer, holds a position of responsibility or trust at any level of the union or any fund affiliated with LIUNA. *Every other individual* named by the government has left under the threat of charges, agreed in writing to leave the union permanently, or been forcibly removed through the disciplinary process. Dozens of other individuals were removed from office, expelled from the union, or forced to resign under pressure. More than two dozen LIUNA affiliates, representing more than 68,000 members—including mob-dominated locals and district councils in New York City, Buffalo, and Chicago—were placed under supervision or trusteeship, their affairs conducted by officials selected with the approval of the Department of Justice.

Ron Fino, whose testimony before the Crime Subcommittee forms the dramatic center of Methvin's piece, himself rejected any suggestion of an "illicit alliance" to perpetuate mafia influence in LIUNA. Far from supporting such a preposterous allegation, as Methvin falsely states, Fino testified before the Crime Subcommittee that the Inspector General and I were persons of "integrity" and "ability" who could be trusted to pursue any accusations of wrongdoing and to remove any official guilty of criminal activity. For reasons fully supported by the results that we have secured, Fino declared himself a supporter of the reform process and made clear that he had personally cooperated with our efforts.

It takes only a few examples to give the full flavor of Methvin's deeply flawed article.

First, he complains that the reform process is inherently flawed because, as GEB Attorney, I lack "power to subpoena witnesses," "report to Coia instead of to a federal judge," and have "kept rank-and-file Laborers largely in the dark."

In fact, the Inspector General and the GEB Attorney have full power to subpoena any member or employee of any LIUNA affiliate and any union service provider; we have used that authority aggressively to uncover wrongdoing, and the Independent Hearing Officer has expelled numerous union members for failing to honor subpoenas.

Contrary to Methvin's assertion, the GEB Attorney does not report to Coia or to any other individual within the union. The LIUNA Constitution was amended in January 1995 to delegate complete authority and full autonomy to the GEB Attorney and the Inspector General. While the Inspector General and the GEB Attorney do report regularly and directly to the Justice Department officials responsible for oversight of LIUNA, the elected officials of LIUNA, including President Coia, learn of their actions at the same time as every other union member: when they are publicly announced.

Union members have been fully and painstakingly informed about the progress of reform. The record of every completed disciplinary and trusteeship action—including all evidence and transcripts—is available for review by every union member. It is a right with which Methvin is personally well acquainted, since he was permitted to review all of these records himself. The opinions of the Appellate Officer are bound, printed, and widely distributed. Detailed accounts of every pending charge, complaint for trusteeship, settlement agreement, and all decisions by the Independent Hearing Officer and the Appellate Officer are published in each issue of the *Laborer* magazine, which is mailed to every union member.

Second, the suggestion that I deliberately delayed actions against mob-dominated affiliates in Buffalo and Chicago is disgraceful. It is not true that "[m]ore than a year elapsed before [Luskin] prosecuted Fino's Local 210 in Buffalo." In fact, the Complaint for Trusteeship was filed 10 months after my appointment as GEB Attorney. During that period and from a standing start—the Inspector General developed proof of mob control, financial malpractice, and abuse of the democratic process over a 25-year period, and he corroborated many of the allegations by Ron Fino on which Methvin relies. The evidence we developed over those 10 months, while simultaneously defeating well-financed court challenges to the reform process brought by Local 210 and other targets of the cleanup, produced a quick capitulation by the leadership of Local 210 and laid the groundwork for the permanent expulsion of more than 20 former local union leaders.

Similarly, the Inspector General's two-year investigation in Chicago produced a vastly more detailed and comprehensive portrait of mob influence over the District Council than was available to Justice Department investigators in 1994 or set out in their draft RICO complaint. We brought the Complaint for Trusteeship in June 1997 and concluded more than 19 days of hearings, involving 45 witnesses and more than 200 exhibits, in the fall. The timing of the Independent Hearing Officer's decision to impose the trusteeship bore absolutely no relationship to the conclusion of the three-year agreement between LIUNA and the United States. Indeed, Methvin's suggestion that the decision to place the Chicago District Council under trusteeship coincided with "a belated one-year extension" of the agreement is simply baffling. In fact, LIUNA and the Justice Department publicly announced the extension on Jan. 22, 1998, three weeks before the agreement was set to expire.

In less than three years, the LIUNA reform effort has defeated the mafia in Buffalo and Chicago (as well as in New York City and elsewhere). Although Methvin contends that we have "dragged [our] feet," perhaps the best benchmark for how well and how quickly we moved is that in the preceding 15 years, the best and most persistent efforts of federal prosecutors in Buffalo and Chicago had produced a total of one successful misdemeanor

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conviction and one guilty plea of two union shop stewards in Buffalo.

Unlike Methvin, who feels free to rely on his imagination to fill in troublesome gaps in the facts, prosecutors have the obligation to prove our charges with admissible evidence in adversary proceedings comporting with due process.

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All of which shows why the Justice Department made a bad bargain. RICO proceedings would have taken place in open court, where journalists and union members can see and report what's going on in a timely way. ♦

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Cleaning Up the Laborers

I have read worse articles than Eugene Methvin's "A Corrupt Union and the Mob" (Aug. 31, 1998) and more unfair ones, but not many, and not much worse. Methvin's accusation that "from the start" I have "seemed to drag [my] feet" as General Executive Board (GEB) attorney, responsible for prosecuting organized crime corruption uncovered by the Inspector General of the Laborers International Union of North America (LIUNA) is repugnant to me. Nothing could be further from the truth.

Through the reform process, and with constant scrutiny by the Justice Department, the union has made extraordinary strides to rid itself of organized crime corruption. Of the scores of individuals identified by the government in its 1994 draft RICO complaint as members or associates of organized crime, only Arthur Coia, who is currently facing charges before the LIUNA Independent Hearing Officer, holds a position of responsibility or trust at any level of the union or any fund affiliated with LIUNA. *Every other individual* named by the government has left under the threat of charges, agreed in writing to leave the union permanently, or been forcibly removed through the disciplinary process. Dozens of other individuals were removed from office, expelled from the union, or forced to resign under pressure. More than two dozen LIUNA affiliates, representing more than 68,000 members—including mob-dominated locals and district councils in New York City, Buffalo, and Chicago—were placed under supervision or trusteeship, their affairs conducted by officials selected with the approval of the Department of Justice.

Ron Fino, whose testimony before the Crime Subcommittee forms the dramatic center of Methvin's piece, himself rejected any suggestion of an "illicit alliance" to perpetuate mafia influence in LIUNA. Far from supporting such a preposterous allegation, as Methvin falsely states, Fino testified before the Crime Subcommittee that the Inspector General and I were persons of "integrity" and "ability" who could be trusted to pursue any accusations of wrongdoing and to remove any official guilty of criminal activity. For reasons fully supported by the results that we have secured, Fino declared himself a supporter of the reform process and made clear that he had personally cooperated with our efforts.

It takes only a few examples to give the full flavor of Methvin's deeply flawed article.

First, he complains that the reform process is inherently flawed because, as GEB Attorney, I lack "power to subpoena witnesses," "report to Coia instead of to a federal judge," and have "kept rank-and-file Laborers largely in the dark."

In fact, the Inspector General and the GEB Attorney have full power to subpoena any member or employee of any LIUNA affiliate and any union service provider; we have used that authority aggressively to uncover wrongdoing, and the Independent Hearing Officer has expelled numerous union members for failing to honor subpoenas.

Contrary to Methvin's assertion, the GEB Attorney does not report to Coia or to any other individual within the union. The LIUNA Constitution was amended in January 1995 to delegate complete authority and full autonomy to the GEB Attorney and the Inspector General. While the Inspector General and the GEB Attorney do report regularly and directly to the Justice Department officials responsible for oversight of LIUNA, the elected officials of LIUNA, including President Coia, learn of their actions at the same time as every other union member: when they are publicly announced.

Union members have been fully and painstakingly informed about the progress of reform. The record of every completed disciplinary and trusteeship action—including all evidence and transcripts—is available for review by every union member. It is a right with which Methvin is personally well acquainted, since he was permitted to review all of these records himself. The opinions of the Appellate Officer are bound, printed, and widely distributed. Detailed accounts of every pending charge, complaint for trusteeship, settlement agreement, and all decisions by the Independent Hearing Officer and the Appellate Officer are published in each issue of the *Laborer* magazine, which is mailed to every union member.

Second, the suggestion that I deliberately delayed actions against mob-dominated affiliates in Buffalo and Chicago is disgraceful. It is not true that "[m]ore than a year elapsed before [Luskin] prosecuted Fino's Local 210 in Buffalo." In fact, the Complaint for Trusteeship was filed 10 months after my appointment as GEB Attorney. During that period and from a standing start—the Inspector General developed proof of mob control, financial malpractice, and abuse of the democratic process over a 25-year period, and he corroborated many of the allegations by Ron Fino on which Methvin relies. The evidence we developed over those 10 months, while simultaneously defeating well-financed court challenges to the reform process brought by Local 210 and other targets of the cleanup, produced a quick capitulation by the leadership of Local 210 and laid the groundwork for the permanent expulsion of more than 20 former local union leaders.

Similarly, the Inspector General's two-year investigation in Chicago produced a vastly more detailed and comprehensive portrait of mob influence over the District Council than was available to Justice Department investigators in 1994 or set out in their draft RICO complaint. We brought the Complaint for Trusteeship in June 1997 and concluded more than 19 days of hearings, involving 45 witnesses and more than 200 exhibits, in the fall. The timing of the Independent Hearing Officer's decision to impose the trusteeship bore absolutely no relationship to the conclusion of the three-year agreement between LIUNA and the United States. Indeed, Methvin's suggestion that the decision to place the Chicago District Council under trusteeship coincided with "a belated one-year extension" of the agreement is simply baffling. In fact, LIUNA and the Justice Department publicly announced the extension on Jan. 22, 1998, three weeks before the agreement was set to expire.

In less than three years, the LIUNA reform effort has defeated the mafia in Buffalo and Chicago (as well as in New York City and elsewhere). Although Methvin contends that we have "dragged [our] feet," perhaps the best benchmark for how well and how quickly we moved is that in the preceding 15 years, the best and most persistent efforts of federal prosecutors in Buffalo and Chicago had produced a total of one successful misdemeanor

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the weekly Standard

November 19, 1998: a Day of Democratic Infamy

Sad to say, most of American journalism can no longer be troubled to do any genuine thinking about the Monica Lewinsky scandal. Hours before independent counsel Kenneth Starr concluded his House Judiciary Committee testimony on November 19, television "analysts" were already inviting Americans to turn away—with easy, witless judgments that there was "nothing new" to learn from the proceedings. Unmoved by the astonishing behavior of the committee's Democrats, the next day's print press used this hearing as a mere prop for the restatement of predigested opinions about Bill Clinton's fitness for office. The *New York Times*, for example, published another of its loosely argued editorials endorsing no more than a toothless "censure" of the president—because "betraying the rule of law," by a *Times* logic too bizarre to be parsed, is somehow "not legally impeachable" activity under a Constitution designed to uphold that rule of law.

It is not true, at the threshold level of detail, that nothing new about Bill Clinton's crimes was revealed in the committee's questioning of Starr. He confirmed, for one thing, that cell-phone records clearly establish a previously disputed sequence of events last December 28. Betty Currie called Monica Lewinsky to arrange retrieval of the president's subpoenaed gifts, and not the other way around—which irrefutably indicates, so far as we can tell, that Clinton personally directed an obstruction of justice.

What was most remarkable about the Judiciary Committee hearing, however, was the gruesome picture it painted of the Democratic party. Ranking minority member John Conyers wagged his finger at Starr throughout a breathtakingly crude recitation of unsubstantiated conspiracy theories about the independent counsel's office. Conyers's Democratic colleagues on the panel issued gassy speeches and leering innuendoes about Starr's vaguely alleged "misdeeds." Democratic committee counsel Abbe Lowell—and, later, the president's personal attorney, David Kendall—peppered Starr with feckless, leading questions about the course of his investigation, all of which Starr parried easily.

But no Democrat, not once, seriously contested—or seemed the slightest bit curious or concerned about—the mountain of evidence Starr had presented the committee. The president of the United States has systematically violated the felony provisions of federal law. And it is the position of his party, unanimously expressed in the Judiciary Committee of the House of Representatives, that this is no big deal. In the half-century since it abandoned its traditional defense of southern racial segregation, the Democratic party has never sunk lower than it did on November 19, 1998.

For their part, Judiciary Committee Republicans, led by chairman Henry Hyde, have so far bravely resisted the unprincipled advice of fearful GOP "strategists" and bored-to-death pundits alike that they should simply drop the whole matter. This magazine applauds Rep. Hyde and his 19 committee allies for their persistence and integrity. Disposition of this constitutional crisis should be guided by the awful facts alone. Those facts have nowhere been better summarized than they were by the independent counsel, at the beginning of his prepared testimony, reprinted below.

Before the House Judiciary Committee
November 19, 1998

As our referral explains, the evidence suggests that the president made false statements under oath and otherwise thwarted the search for truth in the *Jones* v. *Clinton* case. The evidence further suggests that the president made false statements under oath to the grand jury on August 17.

That same night, the president publicly acknowledged an inappropriate relationship, but maintained that his testimony had been "legally accurate." The president also declared that all inquiries into the matter should end because, he said, it was private.

Shortly after the president's August 17 speech, Senators Lieberman, Kerrey, and Moynihan stated

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that the president's actions were not a private matter. In our view, they were correct. Indeed, the evidence suggests that the president repeatedly tried to thwart the legal process in the *Jones* case and the grand-jury investigation. That is not a private matter. The evidence further suggests that the president, in the course of these efforts, misused his authority and power as president and contravened his duty to faithfully execute the laws. That, too, is not a private matter.

The evidence suggests that the misuse of presidential authority occurred in the following 10 ways:

First. The evidence suggests that the president made a series of premeditated false statements under oath in his civil deposition on January 17, 1998. The president had taken an oath to tell the truth, the whole truth, and nothing but the truth. By making false statements under oath, the president, the chief executive of our nation, failed to adhere to that oath and to his presidential oath to faithfully execute the laws.

Second. The evidence suggests that, apart from making false statements under oath, the president engaged in a pattern of behavior during the *Jones* litigation to thwart the judicial process. The president reached an agreement with Ms. Lewinsky that each would make false statements under oath. He provided job assistance to Ms. Lewinsky at a time when the *Jones* case was proceeding and Ms. Lewinsky's truthful testimony would have been harmful. He engaged in an apparent scheme to conceal gifts that had been subpoenaed from Ms. Lewinsky. He coached a potential witness, his own secretary Betty Currie, with a false account of relevant events.

Those acts constitute a pattern of obstruction that is fundamentally inconsistent with the president's duty to faithfully execute the laws.

Third. The evidence suggests that the president participated in a scheme at his deposition in which his attorney, in his presence, deceived a United States district judge in an effort to cut off questioning about Ms. Lewinsky. The president did not correct his attorney's false statement. A false statement to a federal judge in order to prevent relevant questioning is an obstruction of the judicial process.

Fourth. The evidence suggests that on January 23, 1998, after the criminal investigation had become public, the president made false statements to his cabinet and used his cabinet as unwitting surrogates to publicly support the president's false story.

Fifth. The evidence suggests that the president, acting in a premeditated and calculating fashion, deceived the American people on January 26 and on other occasions when he denied a relationship with Ms. Lewinsky.

Sixth. The evidence suggests that the president, after the criminal investigation became public, made false statements to his aides and concocted false alibis that these government employees repeated to the grand jury. As a result, the grand jury received inaccurate information.

Seventh. Having promised the American people to cooperate with the investigation, the president refused six invitations to testify to the grand jury. Refusing to cooperate with a duly authorized federal criminal investigation is inconsistent with the general statutory duty imposed on all executive-branch employees to cooperate with criminal investigations. It also is inconsistent with the president's duty to faithfully execute the laws.

Eighth. The president and his administration asserted three different governmental privileges to conceal relevant information from the federal grand jury. The privilege assertions were legally baseless in these circumstances. They were inconsistent with the actions of Presidents Carter and Reagan in similar circumstances. And they delayed and impeded the investigation.

Ninth. The president made false statements under oath to the grand jury on August 17, 1998. The president again took an oath to tell the truth, the whole truth, and nothing but the truth. The evidence demonstrates that the president failed to adhere to that oath and thus to his presidential oath to faithfully execute the laws.

Tenth. The evidence demonstrates that the president deceived the American people in his speech on August 17 by stating that his testimony had been "legally accurate."

In addition to these 10 points, it bears mention that, well before January 1998, the president used government resources and prerogatives to pursue his relationship with Monica Lewinsky. The evidence suggests that the president used his secretary Betty Currie, a government employee, to facilitate and conceal the relationship with Monica Lewinsky. The president used White House aides and the United States ambassador to the United Nations in his effort to find Ms. Lewinsky a job at a time when it was foreseeable—even likely—that she would be a witness in the *Jones* case. And the president used a government attorney—Bruce Lindsey—to assist his personal legal defense during the *Jones* case.

In short, the evidence suggests that the president repeatedly used the machinery of government and the powers of his office to conceal his relationship with Monica Lewinsky from the American people, from the judicial process in the *Jones* case, and from the grand jury.

—Kenneth W. Starr

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Plop, Plop, Fizzle, Fizzle

by Andrew Ferguson

All events associated with the Clinton presidency eventually take on the character of the president's sex life: a series of fevered acts that are never brought to completion. You see it in his speeches, where the rhetorical flourishes swirl about and culminate in nothing memorable; in the area of public policy, where he promises to deliver 100,000 new cops, but they never quite materialize; in foreign affairs, where he threatens to bomb but the bombs don't fall. There is never a climax. And now, with Ken Starr's appearance before the House Judiciary Committee, we know this is true even of the Clinton scandals. Like the president's foreplay, they end not with a bang, but a whimper.

We should have expected as much. Still, as the impeachment hearing began last Thursday morning, it had all the trappings of something, well, climactic. Outside the hearing room, security was heavy and intrusive, with the Capitol cops on hair-trigger alert. One reporter for a newsweekly made the mistake of following congresswoman Mary Bono down the wrong hallway, and he got body-slammed against a wall by a female cop. A long line of normal people—i.e., non-journalists, non-politicians—buzzed and jostled in a roped-off queue, hoping to snag one of the handful of seats set aside for spectators. Inside a crush of cameramen settled themselves before the witness table, awaiting a dramatic entrance by the hearing's sole witness. And Starr didn't disappoint: He entered the room from a side door in a flying wedge of U.S. Marshals, like an informer from a witness-protection program.

But it was a Clintonian moment, a tease: bursting with potential, all of it unexploited. The drama quickly dissipated. Starr's opening statement was two-and-a-half hours' worth of distilled, well-reasoned, and compelling argument, read without inflection in a lawyerly manner—and hence, to the assembled journalists and congressmen, boring. Boring! This has quickly become the smart set's critique of Starr's brief against Clinton: It's dull, there's nothing new, we've heard it all before. Back in the press section of the

"Read this wonderful book!"

—James K. Glassman, columnist, *The Washington Post*

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—David Post, Temple ... ate

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"Virginia Postrel skew ... echnology as the enemy and nostalgia as their frien ... xamples that run from computers to shampoo, she expos ... pose the greatest threat to progress and security alike."
—Richard Epstein, University of Chicago Law School, author, *Simple Rules for a Complex World*

"She makes you look again at what you thought you already knew."
—Esther Dyson, author, *Release 2.0*

"Virginia Postrel has a radically old-fashioned view of the future. She believes in progress. She thinks the world we are building, you and I, is a decidedly messy place, that nonetheless is turning out pretty well. Go ahead. Imagine that."
—Joel Garreau, author of *Edge City* and *The Nine Nations of North America*

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hearing room, as Starr droned on, the hacks began to fidget. Wagers were made about how long the television networks could broadcast these doldrums before they cut away to Rosie O'Donnell and Oprah. (Not very long, as it turned out.) Congressmen nudged each other to keep awake, while the journalists rolled their eyes. All this musty talk about perjury and who-did-what-when and the sanctity of the rule of law—it's all, like, so five minutes ago.

Yet no one seemed to note the irony. For months Starr's work has been blasted for being too exciting: pornographic, salacious, prurient, an exercise in titillation demeaning to the institutional grandeur of the presidency. Suddenly, here in the hearing room, he's a plodder—a drudge who has ignored his obligation, in the age of 24-hour media, to offer a continuous stream of entertaining information. From Larry Flynt to Elmer Fudd in a matter of minutes. Ken Starr can't win.

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The Democrats can't win either, really, but that's less important to them, since their main object in the impeachment proceedings is to see that Starr and the Republicans lose. None of them bothered to argue the law or the facts—the reality of the president's conduct or the legal view that perjury may be an impeachable offense. To a disinterested observer their position might therefore be thought hopeless. But so was Johnnie Cochran's. Like Cochran, who also had the law and the facts impressively and irrefutably arrayed against him, the Democrats have decided to attack the prosecutor. Abbe Lowell, the committee's Democratic counsel, was allowed an hour to question Starr's brief, and allocated his time like so: 10 minutes on why Starr didn't ask Linda Tripp not to talk with the press; 15 minutes on why Starr didn't tell the Justice Department he had once debated Larry Tribe on NPR about Paula Jones; 15 minutes on a press release Starr issued about the initial questioning of Monica Lewinsky; another 20 on his investigators' handling of Lewinsky at the Ritz-Carlton hotel; and various other inchoate allegations of bad behavior—Ken Starr's bad behavior. The president's lawyer David Kendall, given another hour, did the same. Confronted with proof of felonies, the Democrats focused on prosecutorial misconduct. This is why they used to be called "soft on crime."

During the breaks, out in the hallway, the Democrats were slightly more interesting—that is, less dull. The reason the committee's minority members didn't argue the facts, it turned out, was that they accept the facts. I spent some time talking to Rep. Marty Meehan, from Massachusetts. "It is clear to me the president lied under oath," Meehan said. "But he was lying about a sexual relationship. That is not perjury. Now, if you lie under oath about selling arms—if you lie under oath about whether you authorized a break-in at the DNC—that's perjury."

I tried to argue with him a little, but there didn't seem to be much point, and he started to get mad.

"Look," he said, "I'm not forgiving the president. He deserves some sort of admonishment—some sort of censure. But you know what will happen, because of the Republicans? An article of impeachment will pass out of committee. It will come to a vote on the floor of the House and it will fail. And then the Republicans will vote against any sort of admonishment of the president. The president will go without any punishment. And it will be the Republicans' fault."

If the president walks, the Republicans are to blame: This is the whimper we'll hear as the scandal draws to a close.

Andrew Ferguson is a senior editor of THE WEEKLY STANDARD.

PEACE IN OUR TIME

by Lawrence F. Kaplan

THE LILLIPUTIANS HAVE US ON THE RUN. Worse, they're crowing about it. Saddam Hussein's lieutenants tweak the Clinton administration mercilessly, boasting that Iraq "no longer pays attention to these empty threats." Serb officials politely decline to halt their depredations in Kosovo, explaining that the United States "won't dare to bomb us." North Korean representatives dismiss the United States as "a bluffing paper tiger," cautioning that President Clinton "is seriously getting on our nerves."

The alacrity with which friend and foe ignore the will of the Clinton administration is, of course, hardly news. It owes something to the ineptitude of the

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White House national-security team, but more to President Clinton's tendency to advertise his fear of wielding military power as if indecision were a virtue. This is a president, after all, who declares at every turn that "diplomacy is always preferable to using force," that averting confrontation is always "the best outcome."

Consider, then, where this maxim has taken us. Most recently, there was the latest fiasco in the Persian Gulf, where the administration once again found itself caught in a bind of its own devising. White House officials announced that they were "going to give it to [Saddam] with both barrels" and that "appeasement is not an option for the United States," then proceeded to embrace precisely that option, throwing open the floodgates to future challenges. Indeed, the administration had already traveled this route with Iraq last February and, before that, in 1994, 1995, and 1996.

Nor is the script, whereby bluster precedes diplomatic carrots and capitulation, unique to the standoff with Saddam Hussein. It was apparent in the administration's two-year effort to avoid using force in Bosnia. In that case, the president at first evaded military action by adopting his predecessor's argument that the bloodletting there was a European problem, what secretary of state Warren Christopher called "a humanitarian crisis a long way from home, in the middle of another continent." Then it became a United Nations problem. "We are really powerless to conduct air strikes," defense secretary William Perry explained in November 1994, because "the United Nations has not been asking for air strikes." When Bosnia finally became an American problem, the administration spent two years talking tough and occasionally, after some Bosnian Serb outrage, plinking a tank or two—whereupon the Serbs would pause briefly, then resume their depredations. In the end, it was not White House posturing, but a Croatian offensive that put a halt to the killings.

Then, too, consider the lengths to which the United States went to avoid using force in Kosovo. Madeleine Albright drew a line in the sand last March, declaring, "We are not going to stand by and watch the Serbian authorities do in Kosovo what they can no longer get away with doing in Bosnia." President Clinton likewise warned, "We have to be very, very strong here." The administration then proceeded to look the other way for four months as Serbian troops ransacked Kosovo, burning villages, taking hostages, and driving 250,000 civilians into the woods. All the while, Washington was engaged in an "intensive" diplomatic effort to persuade Milosevic to back down. Each time U.S. envoy Richard Holbrooke left the room, however, the Serb leader stepped up his military operations. When in October the president finally set a deadline for a Serbian withdrawal from Kosovo, that, too, was ignored. Before returning to their barracks, Serb units mopped up at a leisurely pace, breaking more deadlines with impunity.

How, finally, are we to explain the administration's aversion to wielding the stick it so frequently brandishes? Some ascribe its trepidation to a self-defeating preoccupation with casualties, others to the public drubbing President Clinton endured after the Somalia debacle. Conservative critics attribute the president's misgivings about force to a lingering sentiment that American power is somehow tainted, marred by past involvement in too many morally questionable conflicts. More charitable observers maintain that no person, least of all one who feels the pain of strangers, wishes to be burdened with responsibility for taking

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hundreds, perhaps even thousands, of lives.

Whatever the explanation, this much is evident: The president appears not to accept that sometimes both practical and moral considerations demand a determined use of force. For at some point, we pass a threshold where a resort to violence becomes the lesser evil, ineffectual diplomacy the greater. In the Balkans, for instance, American timidity incurred a much higher cost than the alternative: Two years of fruitless shuttle diplomacy, coupled with hollow military threats, conduced to a near crack-up of the NATO alliance, an emboldened Slobodan Milosevic, and the needless death of over 100,000 Bosnians.

An earlier generation would have acted sooner. Taking seriously the now-derided lessons of Munich, foreign-policy makers of the postwar era were persuaded that aggression, if left unchecked, would invite emulation. For their successors, however, the lessons of Munich were long ago superseded by the lessons of Vietnam, which advise that almost no circumstance warrants the large-scale use of force. That conviction pervades White House thinking. Yet it is hardly shared by America's adversaries, who still subscribe to the older verities, measuring a nation's power by its ability to compel others to do its will. These regimes discern in the president's temporizing over military action not evidence of his humanity, but sheer weakness and irresolution, a green light to flout previously enforced norms of international conduct.

The administration's reluctance to acknowledge this costly truth explains, in large measure, why it finds itself lurching from crisis to crisis, rolled by one tinpot dictator after another. Convinced by the president's hesitation to use force on the Korean Peninsula in 1994 that he will not do so in 1998, North Korea recently attempted to launch its own Sputnik and once again denied inspectors access to nuclear installations. Likewise rewarded for his execrable conduct, Saddam Hussein grows bolder with every U.S. retreat. White House rhetoric notwithstanding, in neither of these instances did an American decision to defer military action "defuse" a crisis. Rather, an accounting was merely postponed.

But these are practical arguments. To judge by his words and deeds, President Clinton defers more to moral considerations when he chooses to back down in times of crisis. Even in conflicts widely seen as legitimate, he seems consumed by the question of who may be killed in the pursuit of a particular aim. Thus, the *New York Times* reported that it was the possibility of thousands of Iraqi casualties that persuaded him to retreat from the brink on November 14. The same mindset underlies the administration's preference, when it does use force, for precision-guided-missile strikes intended to hurt things, not people. "I was here on this island up till 2:30 in the morning trying to make absolutely sure that at that chemical plant there was no night shift," President Clinton confided to an audience on Martha's Vineyard after ordering a missile attack against Sudan. "I didn't want some person who was a nobody to me, but who may have a family to feed and a life to live and probably had no earthly idea what else was going on there, to die needlessly."

The president no doubt understands this sensitivi-

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ty to reflect a heightened moral awareness. If so, his scruples are misapplied. To be sure, the use of force carries with it the possibility of unnecessary destruction, and it is better to be too cautious in using it than too free. But some ends do require violent means. There remain values and aims worth defending, and occasions where a failure to confront malfeasance by force, when one has the means to do so, is plainly unjustifiable. The administration's unwillingness to prevent mass murder in Bosnia was such a case. Its propitiation of Saddam Hussein is another.

Which brings us back to Munich. A contemporary of Neville Chamberlain remarked that England confronted a choice between war and shame. Opting for shame, he said, it would get war. So, too, in all likelihood, will we.

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More Time, Less Crime

by Andrew Peyton Thomas

Fox Butterfield of the *New York Times* regularly reports on what he sees as one of the great anomalies of the age: Incarceration rates are rising while crime rates are falling. An August article titled "Prison Population Growing Although Crime Rate Drops" was typical. Butterfield began, "The nation's prison population grew by 5.2 percent in 1997, according to the Justice Department, even though crime has been declining for six straight years, suggesting that the imprisonment boom has developed a built-in growth dynamic independent of the crime rate, experts say."

By "experts say," Butterfield meant that many liberal criminologists agree with him. To him and his likeminded profs, the continued rise in incarceration rates during a time of declining crime rates is a mystery tinged with injustice. As Butterfield stated in a January article, the rise in incarceration rates is prompting "troublesome questions" about "whether the United States is relying too heavily on prison sentences to combat drugs and whether the prison boom has become self-perpetuating."

Yet Butterfield's own article in August had an answer to these questions. He noted that 52 percent of the total increase in male prisoners in 1997 came from criminals convicted of violent offenses. Only anarchists would pronounce this a tragedy.

As for drug offenses, the vast majority of inmates are career criminals, as demonstrated in Arizona, where in 1996 voters approved a drug-liberalization ballot initiative. The initiative would have required the release of all inmates sentenced for first-time drug offenses—about 1,000 inmates in all. But in 1997, the state legislature amended the law to disqualify from this amnesty all first-time drug inmates previously convicted of a felony. As a result, the number of inmates entitled to freedom shrank to 53. Americans clearly are locking up the right people.

Common sense and empirical knowledge conspire against the thesis that crime rates and incarceration rates are unrelated. After all, the simplest explanation for today's declining crime rates is the simultaneous rise in incarceration rates. In other words, all other things being equal, the removal of known criminals from society *ipso facto* will reduce the crime rate.

How do we test this? First, we look for data on crime rates and incarceration rates. In 1980, America began an unprecedented boom in prison construction. This new space has not gone empty: From 1980 to 1996, the incarceration rate lurched upward 209 percent. Over the same 16 years, there has been a relatively steady decrease in the serious-crime rate—a decrease of 31 percent.

In the 1990s, as word spread on the street that serious crimes would provoke serious punishment, crime rates fell dramatically. From 1991 to 1996, incarceration rates rose 38 percent. The serious-crime rate during the same period fell 22 percent. As more *violent* offenders—murderers, rapists, and the like—were taken out of circulation, the violent-crime rate similarly declined 16 percent.

Next we should consider the effect of incarceration on specific crimes. Prison can reduce the crime rate in two ways: (a) by teaching criminals that they will suffer punishment for breaking the law (which deters people from committing crimes), and (b) by removing criminals from society (which incapacitates them). As a result, we would expect to see the strongest relationship between crime rates and incarceration rates for those offenses for which both deterrence and incapacitation are operative.

Except for robberies, violent crimes are not well suited to this type of analysis. Most murders, rapes, and other violent crimes are not committed in a serial

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fashion. Also, most violent criminals have relatively low recidivism rates. Tough incarceration rates may deter these criminals, but because violent criminals, by and large, do not commit many crimes of the same type, locking them up offers little marginal return in the way of incapacitation.

The most appropriate crime for testing both the deterrence effects and the incapacitation effects of incarceration is burglary. Burglars have the highest recidivism rate of all serious offenders. Nationwide, the recidivism rate for burglary is just under 50 percent. This is higher than even the recidivism rate for drug offenders. If not for incarceration, a very high percentage of burglars would simply keep on burglarizing.

The data suggest a strong connection between burglary rates and incarceration rates. When the prison-building boom began in 1980, the burglary rate started to descend. Except for the mid-1980s, when the number of drug-related crimes rose, the decline in burglary rates has been steady. The burglary rate dropped 44 percent from 1980 to 1996. In the 1990s, the burglary rate fell 25 percent in just six years. This was, again, during the same period in which the overall incarceration rate rose 38 percent. Deterrence and incapacitation combined to produce an impressive decline in burglary rates.

The same analysis holds true for robbery rates. Like burglary, robbery—the taking of property from another by force or threat thereof—is a crime typically committed in serial fashion. Robbers, like burglars, have high recidivism rates—the highest recidivism rates of any violent offenders. From 1991 to 1996, robbery rates fell 26 percent (almost identical to the 25 percent decline in the burglary rate). Burglaries and robberies have declined at a faster rate in the 1990s than any other serious crimes.

We have seen in this decade that when career criminals are sent to prison, crime rates drop. Of course, improved police work, greater community involvement, teenage curfews, and other reforms have reinforced these trends. And the success enjoyed to date scarcely guarantees future success. Even if the violent-crime rate continued to decline at its current rate, it would take 25 years for America to return to the violent-crime rate it enjoyed in 1960. This is highly unlikely for many reasons, including the cyclical nature of crime rates, the demographic bulge of young men coming of age over the next decade, and the fact that incarceration rates today are still quite low, relative to where they were in the late 1950s.

Still, those of us who, until recently, thought that crime rates would continue to rise because of social dissolution should admit that we underestimated the effectiveness of simple punishment. Americans may cherish many of the wrong values today, but at least we love our lives and property enough to be willing to lock up large numbers of criminals in expensive, out-of-the-way places. Criminals, as a result, are learning that society means business. As long as we drive this lesson home—and as long as America as a whole is spared the pathologies most acutely associated with the inner city—permanent reductions in our crime rates will be a realistic goal.

Andrew Peyton Thomas, an attorney in Phoenix, is the author of* Crime and the Sacking of America: The Roots of Chaos. *Daryl R. Fischer, research manager of the Arizona Department of Corrections, assisted in the preparation of this article.

Ruth Bader Partisan

by Tod Lindberg

No account of a ruling by a federal judge these days is complete without a note on whether the judge was a Democratic or Republican appointee. Why is that? In theory, we should have judicial decisions that apply the law, not rulings based on the personal political preferences of judges. In practice, however, no one is terribly surprised when a ruling favorable to the GOP cause comes from a Republican-appointed judge or when a Democratic appointee comes up with a conclusion favorable to Democrats.

How cynical a view is this? Are the black robes really just camouflage for the indelible stamp of party affiliation guiding each judge's decisions? That seems overwrought. From time to time you do run across a left-leaning outcome from a Republican appointee or a right-leaning outcome from a Democratic appointee. And even in cases where results conform to cynical expectations, one must not lose sight of the fact that Republican appointees tend to differ from Democratic appointees in their theories of jurisprudence.

For this reason, merely observing a left-leaning outcome and a Democratic tag (or a right-leaning outcome and a GOP tag) does not permit one to say, "Aha!

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A political hack on the bench!" You need something more than that. To get to "Gotcha!" you need to point to an instance in which a supposedly impartial judge, faced with two similar cases, reaches opposite conclusions in a way that happens to coincide with partisan interests—an instance such as the one produced when Supreme Court justice Ruth Bader Ginsburg recently dissented on the subject of the "protective-function privilege" asserted by the Secret Service to avoid testifying to Kenneth Starr's grand jury about what its officers had seen and heard in the White House.

The issue before the high court in early November was whether to hear an appeal from the D.C. Circuit Court of Appeals. The D.C. circuit had little difficulty concluding earlier this year that there is no such privilege. The outcome was clearly unfavorable to President Clinton, who at the time was insisting that he had nothing to do with the decision of the Secret Service and its parent, the Treasury Department, to resist offering grand-jury testimony in Ken Starr's investigation. One interesting question: Who, really, was making the case for the Secret Service? The answer is that government lawyers were. But who represents the government in matters related to the independent-counsel investigation? That was the question Judge Laurence Silberman addressed in a concurring opinion for the circuit court.

Kent Lemon

Ruth Bader Ginsburg

He reached the conclusion that the independent counsel himself, under the straightforward terms of the independent-counsel law, must be the representative of the government on all matters pertaining to his investigation. The Justice Department, which argues the government's case in ordinary circumstances, can file a friend-of-the-court brief stating its views, but it can't go to court in the name of the government against the wishes of the independent counsel. Therefore, neither the Treasury Department nor the attorney general speaking for the Treasury would have standing to oppose Starr in court. Had it been the president's private lawyers propounding opposition, that would be a different matter. But in the Secret Service privilege case, the government, supposedly characterized by a unitary executive, was speaking with two voices.

Clearly, this points to yet another anomaly of the independent-counsel law. Silberman's contention—he is the judge who wrote for the appeals-court panel that found the law unconstitutional, before the Supreme Court reversed that ruling in 1988—has been controversial with commentators, though no one has offered a persuasive legal rebuttal. And as it happens, one person who used to agree with him on precisely this point is his former colleague on the D.C. circuit, Ruth Bader Ginsburg.

Back during the days of independent counsel Lawrence Walsh's Iran-contra investigation, then-attorney general Richard Thornburgh, in opposition to Walsh, filed an appeal on behalf of the government in a national-security-related matter in the Oliver North case. The three-judge panel of the D.C. circuit, applying the independent-counsel law after the Supreme Court upheld its constitutionality, unanimously booted Thornburgh out the door, ruling in February 1989 that he had no standing to bring the appeal. Silberman was on the panel, as was Patricia Wald, one of the court's liberal stalwarts—and Ruth Ginsburg.

Now, all of a sudden, the government, supposedly in the person of Treasury secretary Robert Rubin, shows up at the Supreme Court asking for a review of the D.C. circuit's Secret Service ruling. What exactly Rubin was doing there is an interesting legal question, since the Justice Department is supposed to argue the government's case. It looked like a dodge to get around the obvious problem of the statutory provision granting the independent counsel sole right to speak for the government on matters related to his investigation. In the event, the Supreme Court decided, 7-2, not to hear the "Robert Rubin" appeal. The two dissenters were the Clinton appointees, Stephen Breyer and Ruth Bader Ginsburg.

Of Justice Breyer, one would be straying into ad hominem territory to conclude that his view here wasn't disinterested. Of Justice Ginsburg, one can fairly say: She should know better, and she used to. Why is she voting to review a case in which, by her own reasoning in a previous case, the party bringing the appeal can't have standing to bring it?

It looks more like situational ethics than even-handed jurisprudence—with the only difference in the situations being that this time it's not Republican Dick Thornburgh bringing the case with Ollie North in the dock but Democrat Robert Rubin bringing it with Bill Clinton on the hook.

Tod Lindberg is editorial-page editor of the **Washington Times.**

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Adultery Then and Now

By David Gelernter

President Clinton will not be thrown out of office. It takes leverage to make a throw like that; you'd better have solid ground to stand on, and there is none. There is no basis in public opinion for such a move. I argued back in September (in the *New York Post*) that the public had no intention of treating the Lewinsky affair as important; that the real story wasn't presidential behavior, it was public indifference. The '98 elections more or less confirm these claims.

The Monica matter will be remembered for the story it tells about a huge shift in national attitudes. Nowadays most Americans see adultery in a way that is radically unlike the way we used to see it 50 years ago—but strikingly *like* the way left-wing intellectuals used to see it. At first this is disheartening. Then it becomes heartening. A nation that has transformed itself so dramatically in two generations under the leadership of a small, contrarian group of thinkers can transform itself back again—under the leadership of another small, contrarian group of thinkers. But conservatives had better take stock of what they're up against. The Left and the Right have very different ideas about the Clinton scandal—and on certain key facts, the view from the left is clearer. And then conservatives ought to concede a truth they dislike: You can't change culture unless you are willing to produce some.

> A NATION THAT HAS TRANSFORMED ITS MORAL ATTITUDES DRAMATICALLY IN TWO GENERATIONS CAN TRANSFORM ITSELF AGAIN.

A few weeks ago Arthur Miller published a remarkable op-ed piece in the *New York Times*. Miller the playwright peaked in the 1950s, but he is the sort of intellectual who made America what she is today. We learned in Miller's op-ed that not merely one but "a number of" commentators have been struck by the similarities between today's anti-Clinton operations and the Salem witch trials. And indeed the similarities are striking. Two moments in American history separated by 300 years—and yet in both cases, dozens of defenseless ladies are set upon by powerful males—and polite society, amazingly enough, rallies around the oppressor and not the ladies. But perhaps this is not what Miller meant. Perhaps he meant that President Clinton is in imminent danger of being hanged? Along with a dozen other leading Democrats?

Here is a better interpretation: Miller is hysterical. But it would be foolish to shrug him off. Like the overwrought young ladies of Salem, he is trying to get something across. And in many respects he is right.

He and the Republicans disagree on the real nature of the president's offense. Republicans insist that the issue is not sex but lying—under oath and to the nation. Miller says that sex *is* the issue, and he's right. Lying is a slipcover type of sin, whose significance depends on what you are covering up. If you commit murder and then perjure yourself and deny it, ultimately the murder and not the perjury counts. If you wear brown shoes with a blue suit and then perjure yourself and deny it, once again your perjury counts for little. Granted, we can't shrug perjury off, or we risk destroying the legal system altogether. Granted, we had better hold the president to a higher ethical standard than the average American, not a lower one, or we mock the honor of the presidency and the whole idea of leadership. Notwithstanding, all perjuries are not created equal. Americans of 50 years ago would have agreed with Miller: Today's Republican claims represent a shocking misplacement of emphasis. You Republicans are upset about a mere matter of perjury, they might have said, when the president has been caught in *adultery*?

Of course Miller doesn't see it *exactly* that way.

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Miller wants to say (but can't quite bring himself to): We've *taught* you—we intellectuals have taught you—that sex between unmarried people poses no moral problem. That homosexuality poses no moral problem. That unmarried motherhood poses no moral problem. We've taught you that marriage is not sacred, because nothing is sacred. We've taught you the one moral absolute, Thou shalt not be judgmental. So how could *anyone* be so stupid as to get upset about adultery? This is *America*, for goshsake: You can't go around *impeaching* a man just for sexually exploiting some intern.

And the public says amen. As Miller points out, the public is not upset about presidential adultery and clearly regards it as no big deal—which some people interpret as evidence of either the president's irresistible charm or the irrelevance of everything but the economy. There's a simpler explanation: Americans regard presidential adultery as no big deal because they regard adultery in general as no big deal. In modern America, adultery is a moral misdemeanor at the outside; usually it's more like a parking ticket.

The thoughtful liberal Nicholas Lemann reviewed William Bennett's recent book *The Death of Outrage* in the *New Republic*. "The idea of a moral code that takes precedence over laws," Lemann writes, "even in the operations of a democratic government, is frightening. Whose moral code is it?" Fifty years ago this would have been a stupid question, with an obvious answer: *our* moral code, America's, the morality of Christians and Jews. But today the answer is no longer obvious; Lemann is right to imply that we are no longer a nation of Christians and Jews. There *is* no moral consensus for a prosecutor or anyone else to rely on—the cultural leadership (the Arthur Millers, the mainstream intelligentsia) having long since abandoned Judaism and Christianity in all but name.

OUR PICTURE OF OLD-TIME, JUDGMENTAL AMERICA IS WRONG. TO INSIST ON ABSOLUTE MORAL STANDARDS, WAS NOT TO BE PRIGGISH.

Fifty years ago, things were different. Americans on the whole found adultery revolting. You can see this in the movies, which are a good way to track mainstream morality. There are many examples, but take Billy Wilder's first solo film, a 1942 comedy called *The Major and the Minor*. It's a funny movie, because Ginger Rogers acts and watches herself simultaneously—never taking herself too seriously, always finding herself hugely entertaining. The plot calls for the 31-year-old actress to pretend (part of the time) to be 12. She is so svelte and girlish, she almost pulls it off—but not quite, and the script never loses sight of its own implausibility. People are constantly looking askance at the ostensibly 12-year-old Ginger.

She winds up in Ray Milland's sleeper compartment on an overnight train. She takes the lower bunk, he takes the upper. Nothing happens, the girl being (evidently) a child. But early next morning, when the train has been halted by a washed-out bridge, Milland's fiancée clambers aboard. She goes to Milland's compartment, finds Ginger, and draws the obvious conclusion.

We see in her reaction 1942 America's view of adultery—or in this case not *even* adultery, because Milland is engaged but not married. "How cheap," she growls, "how loathsome." She bristles with revulsion. She slams a breakfast tray in his face. Later on she gets to the nub: "I feel contaminated. Absolutely contaminated." Granted, she is a wronged woman and entitled to get emotional. But Milland's character is a teacher at the Wallace Military Academy, where the head men (including the wronged girl's father) hold a meeting and concur. Milland is accused in tones moist with disgust of "acting like a traveling salesman," of behavior especially reprehensible in view of his "first duty," which is of course "to set an example of decency and discipline to 300 young people."

The movie shows us, toward the end, a picture of antique mores that used to be wry but has become touching. Ginger goes to a school dance. An actual teenager tells her the rules beforehand: There are 23 "musts" and 24 "must-nots." That evening, many a young man puts the moves on Ginger—pulls her close or attempts to waltz her out the door; but she is prepared and nips the action in the bud. "Must not!" she says, ever so pertly and pointedly. Not all young men were so easily put off, even in 1942. But at least a girl had her own moves to set against a young man's moves.

Anyway, adultery was revolting. Countless movies of the era share this idea. But let's move to another railroad sleeping compartment, this one inhabited by an intellectual. Mary McCarthy's celebrated "Man in the Brooks Brothers Shirt" appeared in 1941, an alleged fiction "scarcely thought by anyone to be a fiction," as Elizabeth Hardwick wrote later. McCarthy describes how she met and slept with a married man

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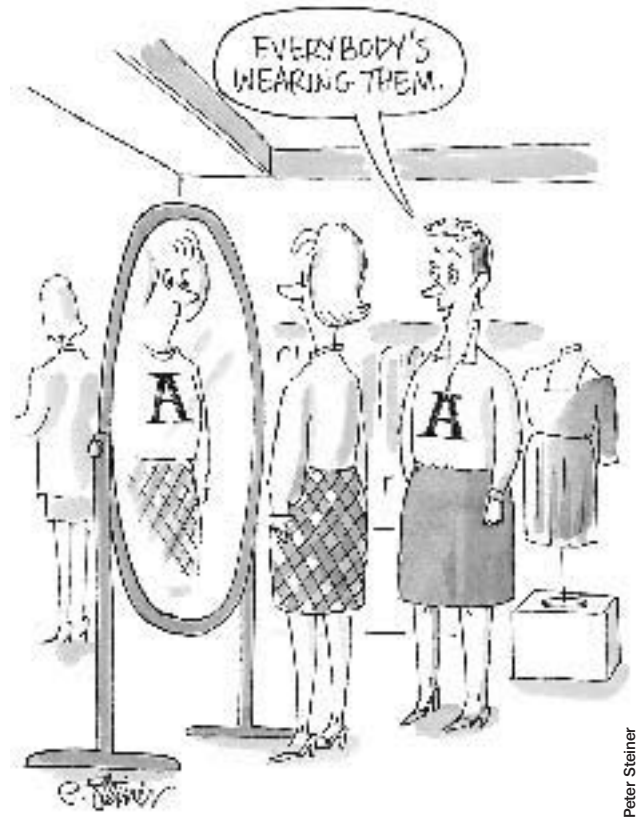
on a long-distance rail trip. The action even achieves a certain minor kinkiness, roughly at the Starr-report level. The author is straightforward about the whole thing (straightforward was her middle name), and moral qualms about adultery don't enter the picture.

Mary McCarthy is not responsible for Bill Clinton, and there is no way a person can "disapprove" of her story or wish it had not been written. She merely represents a worldview that has become dominant, no thanks to her. She never urged anything on the public; she had no interest in the public. She was interested in her own circle. She and Arthur Miller were both leftists, of course, but she never showed even a trace of his moralizing peevishness. And she wrote beautifully. Granted, her best sentences are always about herself, and her prose has the unwavering cruelty of a dead-eye hunter killing easy marks for fun. But the difference between McCarthy and today's leftist sourpuss females is obvious: She always saw right through herself. And she could make a sentence fly the way a breeze makes a kite fly, where today's earnest young feminists just huff and puff and get red in the face.

Yet she was "all her life," as Peter Parker and Frank Kermode write, "the prototype of an American intellectual," and her view of adultery has become the standard view. Here is a final look at what she was up against in long-ago classical America: In 1937, Wolcott Gibbs wrote a memo called "Theory and Practice of Editing *New Yorker* Articles." Gibbs quotes Harold Ross, the magazine's founder and editor (Gibbs was a top Ross assistant): "The *New Yorker* cannot endorse adultery." "As far as I can tell," Gibbs explains, "writers must not be allowed to imply that they admire either of these things"—drunkenness and adultery—"or have enjoyed them personally, although they are legitimate enough when pointing a moral or adorning a sufficiently grim story. They are nothing to be light-hearted about." (Thomas Kunkel includes the memo in his fine biography of Ross published in 1995.)

Ross speaks for 1937 middle-class morality. He was one of the great men of American literary history; he was also an anti-intellectual. Naturally some of his contributors disagreed with him. (Mary McCarthy was an occasional contributor.) But Ross made the rules and never waffled.

What does it mean that the *New Yorker,* back then, could not "endorse adultery"? Old-time America was judgmental and we are not, so we sometimes picture that society as priggish, censorious, and moralistic.



Peter Steiner

But the idea of Ross's magazine or his main men (such writers as A.J. Liebling and Joseph Mitchell, James Thurber and E.B. White) as priggish, censorious, or moralistic is absurd. They were just the opposite. A famous *New Yorker* incident of this era centered on an office plot to embarrass the Society for the Suppression of Vice, a minor New York institution. The society's sign had been stolen. The *New Yorker* printed an item about the theft. The society demanded to know the thief's name. The *New Yorker* refused to tell, but offered a new sign. The new sign was painted on a false front: You could pull out a panel and reveal a hidden picture, which showed the society's chairman getting his hat kicked off by a nearly naked chorus girl. E.B. White climbed a ladder one night and pulled the panel himself.

Our picture of old-time, judgmental America is wrong. To refuse to "endorse adultery," to insist on absolute moral standards, was *not* to be priggish or censorious. We like to picture that bygone America as unsophisticated—but no one in his right mind would have called Ross's *New Yorker* unsophisticated.

But at *least* America used to be inhibited? Not that either. You could disapprove of adultery, disapprove of sexual explicitness, and yet (if you chose) take sex as your main topic. The year of Gibbs's memo was also

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the year *Shall We Dance* came out—an Astaire-and-Rogers classic with a Gershwin score. Years later, Arlene Croce wrote about how the audience waits for Fred and Ginger to dance together, knowing that "until he dances with her he hasn't possessed her." "Astaire in his flying tails, the pliant Rogers in one of her less-is-more gowns, were an erotic vision," she wrote apropos of 1938's *Carefree*, score by Irving Berlin. "Everyone knew what was happening in these dances."

There were first-rate artists among the leftist intellectuals whose view of adultery and morality prevails today. There were first-rate artists among the non-leftists who lined up with Ross. Postwar America could have gone either way. But we took the Mary McCarthy road, and that has made all the difference. McCarthy was a fine writer, but her road has turned out to be a bad road.

We don't have the nerve to impose standards and reach moral judgments, because (in the end) we are worried about what other people will think of us. Yet the Ross-type human being was no more censorious than we—arguably less. Ross himself was a womanizer and never denied it. He was typical of the age in considering himself against adultery but not above it. In bygone America, condemning a sin did not mean that you had never committed it and never would. It did bind you to try hard not to—and (more to the point), if you failed, to own up to it; to admit your guilt, apologize, and accept the consequences. This used to be called "character." But it is much easier to worm your way out of the whole mess by renouncing moral judgment altogether. That way, you can never be held accountable for anything. Our grand refusal to judge is the cynical hush-money we distribute at random by the fistful to make sure that our own misdeeds get overlooked. It is the seediest type of cover-your-rearism.

And if you are not judgmental, how can you ever judge yourself? We see in Bill Clinton *the* nonjudgmental man—who, just because he *is* nonjudgmental, regards himself as essentially perfect. What other choice has he got?

Election '98 shows yet again that culture is more important than politics. Conservatives have allowed American culture to revolve beneath them, as they wheel and drift and chat among themselves high overhead; unless they come down to earth, they have no hope of changing things. But changing culture requires that you produce some, and on the whole, conservatives don't want to bother.

The Lewinsky affair, for example, is a dramatic moral crux. It's possible to imagine a certain kind of man getting inspired to defend Miss Lewinsky's honor—or even the honor of American womanhood in general, and for that matter American manhood in general. He might be a lunatic, a hopeless romantic, or a mere self-promoter. He might start out cynical and turn serious. He might challenge the president to a duel—or, failing that, to a plain old-fashioned fistfight. (The Constitution does not prohibit a citizen from punching the president in the nose.)

The would-be duelist, this believer in the saving power of an occasional punch in the face, sets up camp with a megaphone and picket signs in front of the White House. He urges Mr. Clinton to come out and fight like a man. It's a woebegone little gesture—until a bunch of women volunteer to have their honor defended. The group expands to include ladies who have never met the president but see a principle at stake. The challenger is supported by a Mystery Woman who is assumed to be Monica, or possibly Mrs. Clinton. "Just one honest punch," he shouts. "More apt than impeachment, more eloquent than censure!" The Mystery Woman turns out to be the challenger's girlfriend, hoping he will actually *do* something instead of proving himself yet another postmodern wimp intellectual. The White House is silent. And then . . .

Don't like this plot? There are dozens more. There are a whole bunch of plausible stage-plays called *Monica*—farces, serious plays, half-and-halfs—but no one will stage them, so why should anyone bother to write them?

We can change the culture, or we can turn the page. The average American may agree with John Kasich on taxes, but he is a follower of Arthur Miller on adultery. In modern America, the Arthur Millers are in the driver's seat. Why? Because they offered to drive. Republicans have offered to sit in the back seat and kibitz.

Yet there is such a thing as a moral turning point, and perhaps we are at one. Disgust seems to be the order of the day, and that's just as well. Arthur Miller is disgusted with Starr and the Republicans and the press. Republicans are disgusted with Clinton and the voters and each other.

The public mainly aligns with Miller—disgusted with Starr and Congress, and a little bit disgusted with the president, too. So far, no one is disgusted with himself, least of all the man who started this. But sometime soon, we will look at Clinton and it will come to us that we are looking in a mirror. And then at last we may start to make progress. ♦

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Pamela Harriman's Party

By Noemie Emery

So here is Bill Clinton, at the very beginning of the Lifetime network's biofilm about the late piece-of-work Pamela Harriman, speaking at her impressive funeral and apparently tracing his ascendance to her. "Today I am here in no small measure because she was there," he informs us. And it is true. She had indeed helped revitalize his party and then backed him to adorn it. But, in an uncanny confluence of events, this film about a woman who used the fame and money she gained through sex to promote a president was aired in October 1998, as that very president faced impeachment proceedings—over a scandal involving a woman who tried to get a job and proximity to power through sex. There followed some riffs by columnist Maureen Dowd on the woman of the world and the ditzy sex kitten (and the fate of the man who seems strung between them like a hammock), but this misses the point. The real resemblance is not between a Valley Girl and a world-class seductress. It is between La Harriman and Our Bill.

As his reign grinds on and we come to know more of his governing tactics, it becomes clear that Clinton is indebted to his patroness not merely for help winning his job, but also for the way he acts in it: He is the first of the Harriman Democrats (named after the wife, not the ex-governor), bringing techniques of seduction to national governance. While his points of resemblance to past presidents are few—he dissembles like Richard Nixon and Lyndon B. Johnson; chases girls like Warren G. Harding, Johnson, and John F. Kennedy, his putative idol—those between Clinton and the late Ms. Churchill Harriman are so strong and so many that they merit careful study. So, how is Bill Clinton like Pamela Harriman? Let us number the ways:

1. The Personal President:

For Bill Clinton, as once for Pamela Harriman, keeping public and private life separate is always a problem. Clinton's troubles have come from letting his marriage and sex life intrude on the work of the government. He allowed his wife to vet his cabinet (badly); to choose his cabinet (badly); and to run (very badly) his single lunge at a political legacy, his grand plan for health-care reform. As for Pamela Harriman, of course, her marriages and sex life *were* her profession, and all her love affairs were business transactions.

She signed on, for a fee, to coddle a man and look after his interests. She was less a wife or lover than an employee. To be fair, she did earn her money, for all of her husbands were difficult. Her first, Randolph Churchill, was a boor and a drunkard. Her second and third—theatrical agent and producer Leland Hayward and elder statesman Averell Harriman—were well past their primes when she wed them, and she spent much of her time as a nurse.

The men were fully aware of the terms of the contract. "He knew her price, and he also knew that she was worth it," writes her biographer Sally Bedell Smith of the Harriman marriage. "Pamela is a good girl because she is getting me in my later years and taking care of me. She is living up to a bargain," Smith quotes Hayward as telling a friend. "With Pamela, a deal is a deal," she quotes another friend as saying. (But the deal was for money, and if she felt short-changed, there was hell to pay, as numerous stepchildren discovered.) So too with the Clinton ménage, which Americans overwhelmingly surmise is a professional bargain. Bill breaks his vows and gives Hillary grief, but he has never stinted in giving her power. With him too, a deal is a deal.

2. The Chameleon President:

Nothing binds the president and his patroness together like their uncanny ability to harmonize with their surroundings, to give an audience what it wants to hear and viewers what they want to see. Thus, Clinton has been both a New and the oldest of Democrats; a Baptist and a swinger; a man capable of apologizing to one audience for having raised taxes and to another for having failed to raise them nearly enough.

All this resembles the tactics of Harriman, who, in

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her long life of seduction, made a practice of taking on the speech, habits, interests, hobbies, profession, nationality, and even the religion of the men with whom she was involved—like the murderess in the movie *Black Widow*, who studied each man, deduced his ideal, and then quickly became it.

For Fiat heir Gianni Agnelli, she adopted his manner of speaking and became a Catholic. For Baron Elie de Rothschild, who succeeded Agnelli, she became an icily elegant Parisienne, knowledgeable about designer dresses, fine antiques, and vintage wines. For Hayward, she watched TV and baseball games, read *Variety*, hit Broadway night spots, and gave up wine for hard liquor. For Harriman, she became a Washington hostess and discovered a passion for Russia and Democratic politics, subjects in which before she had shown no interest.

For Pamela, this worked like a charm, as she had to please only one man at a time. But Bill Clinton's Democratic house has many mansions, and in it he cohabits at once with Barney Frank and Bob Kerrey; with Barbara Boxer and the Democratic Leadership Council, formed to save the country from Barbara Boxer. All his consorts know it when he changes his tune, and they can be counted on to complain bitterly, making for less than domestic tranquility. (And when no one is watching, who *is* Bill Clinton? Who knows?)

3. The Courtesan President:

Pamela Harriman was the ultimate geisha, anticipating her companion's every wish. Every need was foreseen and then seen to. "If you liked art, artists were invited," Smith quotes a friend as saying. "If you smoked, the cigarette was there." When Pamela and Hayward took shows on out-of-town tryouts, she schlepped an electric frying pan to cook her husband the chicken hash he relished. At home, she would bend down beside him to ease his slippers on and off his feet.

In politics, the equivalent to this is polling, by which needs are gauged, trends discerned, and desires designated to be filled. Thus, Clinton's campaign in 1996, his convention speech, and the State of the Union addresses that followed were no more and no less than strings of small-bore, feel-good, poll-tested measures, tailored to what the public (or many small publics) said it wanted. Other presidents have talked about struggle and sacrifice or fought for unpopular policies. Not a word passes the lips of this president that has not been tailored to cosset and please. Government to him is about gaining favor by dishing out countless small, cushy favors. Our perennial national plumper of pillows, he hovers over us doing us favors, forever bringing us tea, wine, or whiskey; tucking the rug around our feet; freshening the flowers. The payoff, of course, is that we love him, at least enough to maintain him in office. All of this caring will come at a cost.

4. The Nanny President:

Pamela Harriman had one talent that lifted her price above rubies: She was the superlative, ultimate, absolute nanny; possibly the greatest nanny of all time. Mistress of the detail, she could make a great house (or three) run like clockwork, the decor pristine, the landscaping immaculate, the hot meals punctual. "English women, far more than American women, are built-in nannies, housekeepers, gardeners—with the lightest touch in the world," wrote Hayward's daughter Brooke. Bill Clinton, in turn, is our housekeeping president, seeing to tiny details of living. His "issues," such as they are, concern small, caretaking matters: school uniforms—car seats—no smoking!—unpaid days off to run personal errands. (*Wipe your feet! Do you have an umbrella? You'll need your warm coat.*) Teddy Roosevelt and John Kennedy would have laughed themselves silly, but this is our president's conception of national leadership. As president, Clinton has been an indifferent leader, but as national nanny, he may yet make his mark.

5. The Material Boy:

Pamela Harriman, who made a career out of caring, cared first and foremost for money. Care was what she doled out, in exchange for luxury. Money was always the point. When she set out to build up the Democrats, her soirées quickly turned from issue exchanges into fund-raisers, a form at which she was expert. And the techniques she used—glamour and flattery—to coax contributions to her party out of donors were the same ones she had deployed in past incarnations to pry money from men for herself.

In true Pamela style, the Man from Hope, Oxford, and Georgetown has become a cash cow (a cash bull?) for the faithful, raking in the funds that are the lifeblood of the party, but also living to party with the very (can we call them obscenely?) rich. In fact, when not engaged in damage control, Clinton has done almost nothing this year except fund-raise, always in very plush settings. While most of the items put forth in his State of the Union address quickly went nowhere, he himself has gone to innumerable fund-raising sessions: parties in Malibu with Hollywood

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AP/Wide World Photos

The courtesan and the candidate: Harriman and Clinton press the flesh during the 1992 campaign.

big-wigs, a Hamptons weekend with leveraged-buyout kings and yet more film biggies, posh lunches on the Upper East Side of Manhattan for $5,000 a plate.

By choice and necessity, it seems, he is moving into Harriman country and is willing to stay there. Rumor has it that his Hollywood friends have bought him a refuge in Malibu; it is said they are readying a niche for him in the entertainment industry, where he clearly belongs. Pamela Harriman tried in her later years to at least pass for a serious person, working long hours at her job as ambassador to France; but Clinton seems aimed in the other direction. His future life will no doubt be glitzy. No Habitat for Humanity for him.

6. The Comeback Kid:

Before Bill Clinton, before even Dick Nixon, the real comeback kid was Pamela Harriman, who refused to acknowledge rejection as final and saw each setback as the springboard to something new. "Defeat" was not in her lexicon. Not for nothing was she known as the "Widow of Opportunity." Each comeback was more stunning than the last. Dumped by Edward R. Murrow, she found Gianni Agnelli. Dumped by Agnelli, she moved on to a Rothschild. Dumped by *him*, she zeroed in on Leland Hayward in New York. Widowed by him, plump and past 50, with much less money than she wanted to live on, she scored the coup of her life by bagging her old beau Averell Harriman, days short of his eightieth birthday, whose connections and fortune would sustain her for the rest of her life. She was, of course, a master of personal spin. She was never "dumped," but "moved on" to something quite different. "It was a delusion that kept her going," Smith says. Bill Clinton, who called himself the winner when he lost in New Hampshire, understands this perfectly: His White House has redefined clinging to office as a triumph. He "wins" if he merely is mocked, and not censured; "wins" when he settles a lawsuit for a great deal of money. Most people take their survival for granted. Not he.

And so there he is, the Seducer-in-Chief, our very first Courtesan President. And the resemblances do not end there. Needing cash to secure their survival, they were not very fussy about where it came from: Pamela was supported for a time by two men at once (Harriman and Jock Whitney), something even some kept women frown on. She would surely approve of the renting out of the Lincoln Bedroom, the coffees in the Map Room (where her first father-in-law once conferred with FDR about Hitler), the fund-raising shakedowns, the funny deals with the Chinese. Both Clinton and Harriman, of course, have been utterly shameless, the secret key to their success and survival.

Noting Pamela's "uncommon brazenness," Smith writes, "What the [Harriman] family misjudged was Pamela's apparent obliviousness to shame. If the cycle of triumphs and setbacks in her life had taught her anything, it was that she could endure bad publicity. She might shudder privately when she took the first hits, but after that she seemed immunized against attacks that anyone else would find mortifying." In fact, she seemed strengthened by them. "Pamela went on the offensive, almost as if adversity seemed to fuel her in some strange ways." She lived, as it were, in her permanent War Room. As does Our Bill. Like Mrs. Harriman, the Clintons have the ability to thrive under mortifications that would have normal people hiding behind the couch in the fetal position. They pretend things are fine and get away with it, or so they think.

But in the end, the greatest trait the Clintons have

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in common with Mrs. Harriman is their ability to flourish while laying waste the country all around. After Averell Harriman's death, Pamela spent at her usual clip of around $2 million yearly, which the estate managed to cover. But through investments overseen by Pamela, Clark Clifford, and others, the trusts set up for Harriman's daughters and their children suffered huge losses, nearly $30 million between 1989 and 1993.

In the course of this, Pamela personally guaranteed a loan of $18 million from the grandchildren's money, without informing any of the heirs. When she refused to cover the loan, Harriman's daughters and grandchildren hauled her into court, and much bad publicity followed. In her best Clintonian vein, Pamela cast herself as a victim, unable to see what sin she had committed to merit so nasty a fate.

The political equivalent of the typhoon that ravaged this once-awesome fortune is what Bill Clinton did to the Democratic party's estate. On that happy day in late 1992 when Clinton partied in Pamela Harriman's Georgetown house to celebrate the end of 12 years of Republican terror, Democrats occupied 267 seats in the House, 56 seats in the Senate, and 28 governorships, including those of New York and Texas. After six years of Clinton—first Democrat reelected since Franklin D. Roosevelt!—the 267 seats are about to become 211, the 56 senators 45, and the 28 governors 17, including the governors of only 2 of the 10 largest states in the union. Nearly 400 elected officials have switched parties to become Republicans since Clinton took office, including two U.S. senators.

Newt Gingrich, who fell on his sword, has, in the long run, been good for his party, raising it up to majority status. Bill Clinton, though he personally won reelection, has been bad for his. And he has weakened not only his party but his office. He has tarnished his office and exposed it and his country to ridicule. But hey—*he* is still in there. What else matters?

"Had she married Ronald Reagan, she would have been an arch-Republican," Sally Bedell Smith quotes Pamela Harriman's son, Winston, as saying. Republicans can thank their lucky stars that she did not. She may have briefly enlivened the Democratic party with her glamour and money, but she also infused it with her insidious spirit. Bill Clinton is her particular soulmate, a leader as shallow, self-absorbed, and amoral as she. ♦

The Deadly Ethics of "Futile Care Theory"

By Wesley J. Smith

Former news anchorman Hugh Finn was intentionally dehydrated to death last month, when doctors at a Manassas, Va., nursing home removed his feeding tube at the request of his wife, Michele. The act was legal. It had the explicit approval of federal and Virginia courts. It took eight days for Finn to die.

Finn was not terminally ill. He was left severely brain damaged by a 1995 automobile accident. His doctors claimed he would always remain unconscious, in what is known as a permanent vegetative state. But there was significant reason for doubt. His brother Ed claimed that Hugh was sometimes conscious and interactive, as did other members of the Finn family. A medical investigator testified that Hugh Finn had said "Hi" to her upon their first meeting, which if true proved Finn was conscious. The judge in the case refused to allow time for further investigation. Now Finn is dead, and we will never know the truth.

Finn's death made headlines because of the intervention of Virginia governor James Gilmore on the side of Finn's brothers and parents, who wanted feeding to continue. And many people around the country expressed shock at his fate. They shouldn't have. For years, the medical intelligentsia—philosophers, academics, and policy advocates known as bioethicists—have pushed lawmakers and judges to permit the

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death of patients like Hugh Finn who depend on feeding tubes for nutrition and water. In 1990, the Supreme Court gave its implied permission to the practice in the Nancy Cruzan case. Today, people diagnosed as being in a permanent vegetative state are deprived of food and water almost as a matter of medical routine. Moreover, *conscious* brain-damaged patients meet the same end. Indeed, families of profoundly brain-damaged people are often pressured by doctors and social workers to cease "treatment" with food and fluids as a way of easing family burdens and ending lives deemed to have poor quality.

It is only when families are divided, as they were in the Finn case, that such cases end up in court. But if the patient is in a vegetative state, it is almost impossible to stop a dehydration ordered by a spouse or other primary medical decision-maker, no matter how strongly other members of the family may object. If the patient is conscious, it remains a harder sell to obtain court permission for dehydration and starvation over family objections. But it is doubtful that the courts will resist for much longer.

Take the Michael Martin case in Michigan three years ago. Mary Martin wanted to dehydrate her husband, who was brain-damaged from an auto accident. She was opposed in court by Michael's mother and sister, who presented medical testimony that he was conscious, enjoyed television and music, and had indicated a desire to live. (He could communicate with head nods and shakes.) Notwithstanding this testimony, and despite the wife's admission that she would benefit financially from her husband's death, the trial court and the Michigan Court of Appeals ordered the dehydration to proceed. Michael is alive today only because the Michigan Supreme Court ruled that Mary had failed to demonstrate by clear and convincing evidence that Michael, in his current condition, would want to die. Had she been able to do so, the dehydration would have occurred.

A strikingly similar case involving a Stockton, Calif., man named Robert Wendland is now playing out in the courts. Robert was severely injured in a 1993 auto accident. He was unconscious for about 16 months—during which time California law would have explicitly permitted his dehydration. Then, he awakened and learned to maneuver his wheelchair down a hospital corridor and perform other simple tasks on request. Still, his wife Rose wants him dehydrated to death, contending that he would not want to live in a dependent condition. Robert Wendland would be dead today but for an anonymous whistleblower who alerted Robert's mother, Florence Wendland, and his sister, Rebekah Vinson. They sued to keep Robert alive.

The litigation has been bitter and prolonged. Robert's interests were supposed to be represented by a San Joaquin County public defender, Doran Berg. But in a nasty twist, Berg sided with the wife and argued even more vehemently and emotionally *for* Robert's dehydration than Rose did—perhaps the first time in the history of jurisprudence that a public defender has urged a judge to sentence a client to death. But Judge Bob McNatt reluctantly declined. Stating that he was making "the absolutely wrong decision, for all the right reasons," McNatt ruled wisely that such a momentous change in law and ethics should be decided in the legislature or a court of appeals, not by a trial judge.

THE ROBERT WENDLAND CASE MAY BE THE FIRST TIME A PUBLIC DEFENDER HAS URGED A JUDGE TO SENTENCE A CLIENT TO DEATH.

McNatt's December 9, 1997 decision may have been only a reprieve for Robert Wendland. Berg quickly appealed and asked McNatt to authorize the use of San Joaquin County funds for a private attorney to argue for Robert's death in the appeals courts. McNatt agreed and permitted a maximum fee of $50,000. The power of the state of California and the money of its taxpayers are now being used to urge the death of one of its citizens, whose only "crime" is to be brain-damaged.

Cases such as Hugh Finn's, Michael Martin's, and Robert Wendland's are usually described in the media as promoting patient autonomy and private medical decision-making by families. But that is only partly true. Increasingly, "choice" in medical cases involving the profoundly disabled people is viewed by bioethicists and doctors as a one-way street. Should families choose death for their loved ones, their wishes are honored and acted on with dispatch. But if families insist that their brain-damaged loved ones continue to be nourished and cared for, these same experts proclaim instead that "autonomy has its limits."

This doctrine, little known among the general public but all the rage in bioethics, is called "futile-care theory." The theory goes like this: When a

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patient reaches a certain predefined stage of age, illness, or disability, any further care other than pain-relief is "futile" and should be withheld, regardless of the desires of the patient or family. The name is a bit duplicitous. In futile-care cases, it isn't the treatment that theorists see as futile, but the patients. Treatment isn't supposed to be stopped because it has no effect, but because it does.

Futile-care decisions are already being implemented in many of the nation's hospitals. Little noticed by the mainstream media—but well documented in the medical literature—doctors and hospitals in Michigan, Massachusetts, Texas, Tennessee, and California have already refused to provide desired medical treatment to profoundly disabled and dying patients. This has led to a handful of court cases. In 1993, when doctors at Hurley Medical Center in Flint, Mich., decided to remove life support from Baby Terry, a prematurely born infant with little chance of survival, his parents objected. Terry had gained a pound and successfully fought off a bacterial infection since his birth, and his parents hoped for a miracle. Their decision landed them in court, where a judge—*solely* on the basis of their refusal to terminate life support—stripped them of their right as parents to make medical decisions for their son. Baby Terry died as the case was being appealed.

THE NAME IS A BIT DUPLICITOUS: IT ISN'T THE TREATMENT THAT THEORISTS SEE AS FUTILE. TREATMENT IS STOPPED BECAUSE IT IS EFFECTIVE.

The parents of Baby Ryan, in Spokane, Wash., had a similar experience the following year. Ryan was born after only 23 weeks of gestation and required kidney dialysis to remain alive. After determining that he was not a suitable candidate for organ donation, his doctors declared that any further treatment of Ryan was futile, and they removed him from dialysis over the explicit objection of his parents. Ryan would have died, but his parents sued and obtained a temporary court order to continue treatment. Eventually, Ryan was transferred to Legacy Emanuel Children's Hospital in Portland, Ore., where he was soon weaned off dialysis. Had Ryan's original doctors successfully imposed their futile-care philosophy, Ryan would be dead today instead of a living 4-year-old boy.

A current lawsuit over futile care involves Mercy Medical Center, of Redding, Calif., and Dr. Lang Dayton, a local physician. In 1996, Beverly Williamson was admitted to Mercy with septic shock and renal failure caused by a previously undiagnosed cancer. Doctors couldn't figure out what was wrong and spent nearly two months treating her and conducting extensive medical tests, which finally revealed that Beverly had terminal-stage cancer.

Beverly would undoubtedly die. So, Dr. Dayton wrote a letter to her family telling them of his intention to cease further life-supporting treatment based on his determination that it was "futile" because it would "prolong her suffering and not save her life." Beverly's family objected immediately and in writing, in deference to Beverly's oft-stated, deeply held desires about the level of care she wanted at the end of her life. But the hospital's ethics committee overrode the family's objections and gave Dr. Dayton permission to cut off Beverly's treatment. Six days later, her life support was removed and she died later that day. The family sued. The case is expected to go to trial early next year.

Futile-care theory is so new that the state of the law has not kept pace with clinical practice, leaving families, lawyers, and clinicians in doubt as to their respective rights and obligations. But many medical associations have now endorsed the doctrine, which means that desperately ill and disabled patients will increasingly be denied treatment against their families' and their wishes. Lawsuits are sure to follow.

To better defend themselves in court, many hospitals have begun quietly to adopt formal futile-care policies that they hope judges will enforce. Typical of such policies is the one instituted last year by the Alexian Brothers Hospital in San Jose, Calif. The Alexian Brothers "Non-Beneficial Care Policy" creates a presumption that requests for medical treatment (including such low-tech interventions as antibiotics, tube feeding, and medical testing, as well as high-tech treatments such as dialysis) are "inappropriate" for patients with severe illnesses or profound disabilities, such as permanent vegetative state, permanent dependence on intensive care, and terminal illnesses in the final stage. The only care such patients are generally supposed to receive at Alexian Brothers is comfort care—regardless of their families' or their desires.

Doctors who wish to provide "inappropriate" treatment must "provide written justification." Hospital personnel are urged to report doctors who violate the guidelines to the medical director. The punishment for deviation from the policy is unmentioned, but the one club every hospital holds over doctors is

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the suspension or withdrawal of staff privileges. Patients and families who disagree with the hospital's determination of futility must find another hospital. And if no other hospital will take the patient? The policy is silent.

In New York, legislation has been introduced to clarify the rights and obligations of decision-makers and health-care providers when a patient is incompetent. Alarmingly, if passed in their current form, the bills would set futile-care theory into legal concrete. The measures would permit hospitals to refuse desired treatment if based on a "formally adopted policy" predicated on "sincerely held moral convictions." Physicians, too, could refuse to treat patients if doing so violated their moral beliefs. Disputes about treatment would be taken to committees that the legislation would require each hospital to create. If the person speaking for the patient disagreed with the decision of the ethics committee, he would have to move his loved one to a different hospital. Doctors and hospitals that acted in "good faith" pursuant to the law would be granted immunity to civil and criminal penalties. Opponents of the measures are hoping to require that care of the patient continue until a doctor can be found willing to provide the desired treatment.

AP/World Wide Photo

Protesters in Manassas, Virginia

Futile-care policies are ostensibly designed to relieve the suffering of desperately ill and disabled people. But they are also underpinned, let's face it, by a cold-hearted, collectivist desire to save "scarce resources" by throwing society's weakest members out of the lifeboat. Futile-care theorists would refuse desired end-of-life treatment to Grandma Jones in Florida so that Little Suzie in Appalachia could have better access to medical care. Among bioethics professionals, for whom such a restructuring of society is a deeply treasured goal, this is known as "distributive justice."

But let's give the movement its proper name: rule by the strong. People on the medical margins are the first victims of the distributive-justice movement because they are widely viewed as having lives of little meaning or purpose. They can't or don't protest. And with remarkably few exceptions, no one else protests their fate either. As a result, futile-care theorists encounter surprisingly little opposition as they carve into the bedrock of American law the utilitarian principle that the lives of some people can be sacrificed for the benefit of others deemed more worthy of care.

Futile-care policies, in and of themselves, won't save that much money. But once futile-care theory is legally entrenched, America's traditional medical system—organized around preserving the life and health of the individual patient and the Hippocratic obligation of the doctor to care for that patient—will be enfeebled beyond recognition. We will then be well down the path to wholesale health-care rationing—a topic that is already of consuming interest to bioethicists. Seen in this light, the food and fluid cases and the coming futile-care disputes do not represent the end of a legal debate over individual choice and patient autonomy. They are in fact the beginning of a larger struggle for control of health-care decision-making by an elite caste of hospital administrators, doctors, and bioethicists who share an unwholesome interest in arbitrating who is worthy—and who is unworthy—of keeping alive. ♦

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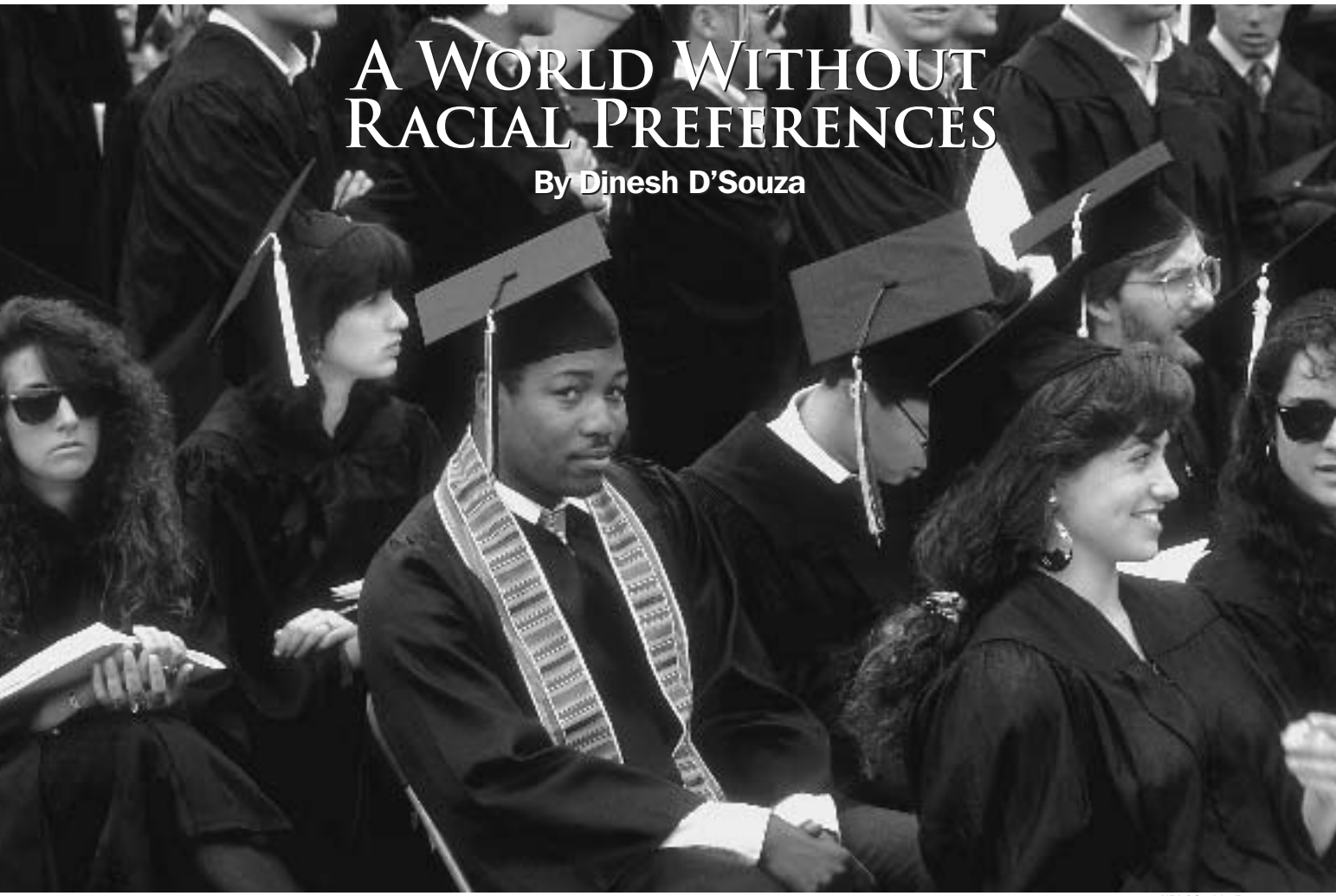
A World Without Racial Preferences

By Dinesh D'Souza



UPI / Corbis-Bettmann

"If color-blind admissions policies are put into effect," I was warned at a recent debate on the topic, "the number of black students at the most selective colleges and universities would plummet to around 2 percent. Should we as a society be willing to live with such an outcome?"

I hesitated, and in that moment of hesitation, my interlocutor saw his opportunity. "Well, should we?" he pressed.

The answer, it turns out, is yes. But it is an answer that supporters of the current system consider outrageous. They take for granted that the only possible response is "Of course not." So, for example, two pillars of the education establishment, former Princeton president William Bowen and former Harvard president Derek Bok, have just published a widely reviewed defense of affirmative action, *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions*. They insist that some form of preferential recruitment is inevitable to avoid the unthinkable outcome of very few African Americans at top-ranked universities. "The adoption of a strict race-neutral standard would reduce black enrollment at . . . academically selective colleges and universities by between 50 and 70 percent," Bowen and Bok observe. "The most selective colleges would experience the largest drops in black enrollment."

These numbers are more or less correct. But what they actually illustrate is not the unacceptable future but the unconscionable present: the magnitude of racial preferences currently in effect. Affirmative action in practice does not mean—as its supporters claim—considering two equally qualified applicants and giving the minority candidate the nod. It has instead come to mean admitting Hispanic and African-American students with grade-point averages of 3.2 and SAT scores of 1100, while turning away white and Asian-American

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applicants with GPAs of 4.0 and SAT scores of 1300. Far from waging a war against discrimination, advocates such as Bowen and Bok find themselves waging a war against merit. And far from vindicating idealism and promoting social justice, they find themselves cynically subverting the principle of equal rights under the law to the detriment of society as a whole.

Before we can decide whether it is simply too embarrassing to permit elite institutions to enroll a very small percentage of blacks or other minorities, we must first ask the question of what produces the racial disparities that so unsettle us and that seem to require affirmative action to counteract. Consider the example of the National Basketball Association. It is no secret that the NBA does not "look like America": African Americans, who are 12 percent of the population, make up 79 percent of the players, while Jews and Asian Americans are conspicuously scarce.

Of course, one never hears demands that the NBA establish a preferential recruitment program for Jews or Asians. But before the notion is dismissed as simply silly, it is instructive to ask why. The answer is presumably that it is merit and not discrimination that produces the racial imbalance on the basketball court. If the coaches hire the best passers and shooters, we tend to think, it shouldn't matter if some ethnic groups dominate and others are hardly represented.

The lesson to be drawn from this example is that inequalities in racial outcomes that are produced by merit are far more defensible than inequalities produced by favoritism or discrimination. And when we turn from the NBA to America's elite colleges and universities, we discover a similar result: Ethnic inequalities are the result not of biased selection procedures but of unequal performance on the part of different groups.

Affirmative action has traditionally been defended as necessary to fight discrimination. But has anyone demonstrated that the blacks and Hispanics preferentially admitted to the best universities were in fact victims of discrimination? Has anyone uncovered at Berkeley or Princeton bigoted admissions officers seeking to exclude minorities? And is there any evidence that the white and Asian-American students refused admission were discriminating against anyone? The answer to these questions is no, no, and no. No one has even alleged unfairness of this sort.

There was, at one time, an attempt by advocates of affirmative action to argue for racial and cultural bias in the SAT and other standardized tests that most elite universities require their applicants to take. This argument, however, has collapsed in recent years, and even Bowen and Bok admit that it is no longer possible to claim that the SAT discriminates against blacks or other minorities. In *The Shape of the River*, they try to confuse the issue by insisting on the obvious point that standardized-test scores "do not predict who will be a civic leader or how satisfied individuals will be with their college experience or with life." But they are at last forced to the chagrined confession: "Almost all colleges have found that when they compare black and white undergraduates who enter with the same SAT scores, blacks earn *lower* grades than whites, not just in their first year but throughout their college careers. . . . Tests like the SAT do not suffer from prediction bias."

William Bowen and Derek Bok
The Shape of the River
Long-Term Consequences of Considering Race in College and University Admissions
Princeton Univ. Press, 384 pp., $24.95

Shelby Steele
A Dream Deferred
The Second Betrayal of Black Freedom in America
HarperCollins, 185 pp., $19.95

This is not to say that the test describes genetic or biological ability. It merely measures differences in academic preparation, and Bowen and Bok acknowledge that the low black enrollments at elite universities that affirmative-action policies seek to remedy are primarily produced by "continuing disparities in pre-collegiate academic achievements of black and white students." On those measures of merit that selective colleges use to decide who gets in, not all groups perform equally.

For the civil-rights leadership, these results have come as a nasty surprise. The movement led by Martin Luther King Jr. originally placed itself on the side of merit in opposition to racial nepotism. If laws and public policies were allowed to judge solely on the basis of individual merit, King repeatedly promised, we would see social rewards in America widely dispersed among groups.

In the generation since King's death, it is this premise—that equality of rights for individuals would invariably produce equality of results for groups—that has proved false. The dismaying truth is that even merit sometimes produces ethnic inequality. Consequently it is hardly surprising that some who manned the barricades alongside King now insist that merit is the new guise in which the old racism manifests itself. It is now fashionable for advocates of affirmative action to place the term "merit" in quotation marks or to speak sarcastically of "so-called merit." Their main objection is that merit selection is not producing the outcomes they desire, and their enthusiasm for affirmative action can be attributed to their rediscovery of the blessings of nepotism.

Meanwhile, behind the scenes, there has been underway a fascinating debate about why merit produces such ethnic inequality. Two views have dominated the debate. The first is the "bell-curve" position, put forward most publicly in recent years by Charles Murray and Richard

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Herrnstein, which implies that there may be natural or biological differences between groups that would account for their unequal performance on indices of merit. The second is the traditionally liberal position, which insists that when group differences in academic achievement and economic performance exist, they have been artificially created by social deprivation and racism.

These two views have functioned like a see-saw: When one goes up, the other goes down. In the early part of this century, most people took for granted that there were natural differences between the races and that these accounted for why some groups were advanced and others relatively backward. This view was fiercely attacked in the middle of this century by liberals who argued that it was unreasonable and unconscionable to contend that natural deficiencies were the cause of blacks' doing poorly when blacks were subjected to so much legal and systematic discrimination, especially in the South.

The liberal view was entirely plausible, which is why the biological explanation was largely discarded. But the liberal view has begun to collapse in recent years, precisely as it proved unable to explain the world that resulted from its triumph. Consider a single statistic: Data from the college board show that, year after year, whites and Asian Americans who come from families earning less than $15,000 a year score higher on both the verbal and math sections of the SAT than African Americans from families earning more than $60,000 a year.

This stunning statistic, whose accuracy is unquestioned by anyone in this debate, is sufficient by itself to destroy the argument of those who have repeated for years that the SAT is a mere calibration of socioeconomic privilege. But it is equally devastating to the liberal attribution of black disadvantage to racial discrimination. Even if discrimination were widespread, how could it operate in such a way as to make poor whites and Asians perform better on math tests than upper-middle-class blacks?

On this question, most advocates of affirmative action do not know how to react. Some simply refuse to discuss the implications of the evidence. Others, like Nathan Glazer, seem to adopt a private conviction of the veracity of the bell-curve explanation. A few years ago, in a review of Murray and Herrnstein in the *New Republic*, Glazer seemed to accept the existence of intrinsic differences in intelligence between the races—while objecting to any mention of the fact in public.

In more recent articles, Glazer has reversed his longtime criticism of affirmative action and said he is now willing to bend admissions standards to avoid the distressing outcome of very few blacks in the best universities. Glazer's second thoughts about affirmative action point to something often missed in such debates, for if the bell-curve thesis is correct, then it in fact constitutes the strongest possible argument *in favor* of affirmative action.

THERE IS AN OBVIOUS REASON FOR THE SUCCESS OF ASIAN-AMERICAN STUDENTS: THEY STUDY HARDER.

If there are natural differences in ability between ethnic groups that cannot easily be eradicated, then it makes sense for those of us who do not want America to be a racial caste society to support preferential programs that would prevent the consolidation of enduring group hierarchies. Forced, by the collapse of the liberal view, to accept natural inequality, Glazer unsurprisingly now treats blacks as a handicapped population that cannot be expected to compete against other groups.

But there is, in fact, a third possible view of racial inequality—a view advanced by Thomas Sowell and me and others who find profoundly condescending and degrading the notion that blacks require a "special Olympics" of their own. Basically, we contend that there are cultural or behavioral differences between groups. These differences can be observed in everyday life, measured by the techniques of social science, and directly correlated with academic achievement and economic performance. Even *The Black-White Test Score Gap*, a recent study by two noted liberal scholars, Christopher Jencks and Meredith Phillips, proves upon careful reading to implicitly endorse this cultural view. Jencks and Phillips make all the appropriate genuflections to racial pieties, but they are courageously seeking to make the cultural argument more palatable to liberals.

A few years ago, a Stanford sociologist named Sanford Dornbusch was puzzled at claims that Asian Americans do especially well in math because of some presumed genetic advantage in visual and spatial ability. Dornbusch did a comparative study of white, black, Hispanic, and Asian-American students in San Francisco and concluded that there was a far more obvious reason for the superior performance of Asian Americans: They study harder. Asian Americans simply spend a lot more time doing homework than their peers.

Of course, this sort of finding leaves unanswered the question of why they study harder. The causes are no doubt complex, but one important factor seems to be family structure. It is obvious that a two-parent family has more time and resources to invest in disciplining children and supervising their study than does a single-parent family. For Asian Americans, the illegitimacy rate in this country is approximately 2 percent.

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For African Americans, it's nearly 70 percent.

Such a huge difference cannot easily be corrected. Indeed, in a free society, public policy is limited in its ability to transform behavior in the private sphere. Still, while not reverting to the discredited liberal position, the cultural view of racial inequality is at least more hopeful than the bell-curve acceptance of ineradicable difference: We cannot change our genes, but we can change our behavior.

One thing is clear: Racism is no longer the main problem facing blacks or any other group in America today. Even if racism were to disappear overnight, this would do nothing to improve black test scores, increase black entrepreneurship, strengthen black families, or reduce black-on-black crime. These problems have taken on a cultural existence of their own and need to be confronted in their own terms.

The difficult task is rebuilding the cultural capital of the black community, and the role of black scholars, black teachers, black parents, and black entrepreneurs is crucial. The rest of us cannot be leaders, but we can be cheerleaders. Rather than try to rig the numbers to make everyone feel better, we are better off focusing our collective attention on developing the skills of young African Americans at an early age so that they can compete effectively with others in later life.

So why doesn't this obvious solution win broad support? In his new book, *A Dream Deferred: The Second Betrayal of Black Freedom in America*, Shelby Steele argues that affirmative action is popular with black and white elites because it serves the purposes of both groups. White elites get to feel morally superior, thus recovering the ethical high ground lost by the sins of the past, and black elites enjoy unearned privileges that they understandably convince themselves they fully deserve. (In *The Shape of the River*, Bowen and Bok devote several chapters to proving the obvious point that blacks who go to Ivy League schools derive financial benefits in later life as a result and are generally satisfied with attending Yale instead of a community college.)

Steele's book bristles with the psychological insights that are his distinctive contribution to the race debate. White liberals, Steele argues (and he might as well be speaking directly of Bowen and Bok), are quite willing to assume general blame for a racist society causing black failures—so long as it's the careers of other people, all the qualified Asian-American and white students rejected from Harvard and Princeton, that are sacrificed in order to confer benefits on blacks and win for liberals recognition as the white saviors of the black race.

What Steele is doing—and it has drawn considerable criticism from reviewers—is something that advocates of affirmative action have always done: questioning the motives of the other side. For years, conservatives have treated liberals as well meaning in their goals though mistaken in their means. And during that same period, liberals have treated conservatives as greedy, uncaring racists. By asking advocates of preferences what's in it for them, Steele unmasks the self-interest that frequently hides behind the banners of equality, diversity, and social uplift.

Steele's main objective is to show that neither the black nor the white elites have an interest in asking fundamental questions: Isn't color-blindness the only principle that is consistent with the fundamental principles of American society? Isn't equality of rights under the law the only workable basis for a multiracial society? Is the black community well served in the long term by a public policy that

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treats them as an inferior people incapable of competing with others?

Advocates of racial preferences "offer whites moral absolution for their sins and blacks concrete benefits that are hard to turn down," Steele observed to me a few weeks before the recent electoral victory of a referendum abolishing affirmative action in Washington state. "I think we are going to lose because our side has only one thing to offer, and that is moral principle." I ruefully agreed that the scales were tipped in precisely that way. But the astonishing triumph of the referendum in Washington by a comfortable majority—like the triumph of a similar measure two years ago in California—shows that we should not underestimate the power of moral principle in American politics.

When the issue is posed in the basic vocabulary of right and wrong—a lexicon that is utterly incomprehensible to Bowen and Bok—the tortured rationalizations of affirmative-action advocates collapse and the common-sense moral instinct of the American people tends to prevail. There is no cause for conservatives to lose their nerve. The election in 2000 could be the moment when color-blindness is at last the issue on the ballot in many states and at the center of the Republican party's agenda. ♦

Picturing Our Century

Peter Jennings and Harold Evans Do History

By Christopher Caldwell

Historians distinguish between a "long twentieth century"—the century as you'd see it on a calendar—and a "short twentieth century"—the seventy-five years from the outbreak of World War I to the fall of the Berlin Wall. With the short century a decade over and the long one within a year or so of its end, it's not surprising that the summings-up have begun.

Peter Jennings and Todd Brewster
The Century
Doubleday, 606 pp., $60

Harold Evans
The American Century
Knopf, 710 pp., $50

The two latest attempts—*The Century*, by ABC News anchor Peter Jennings and Todd Brewster, and *The American Century*, by Anglo-American editor and newsman Harold Evans—are strikingly similar. They're both heavy-as-a-bucket-of-sand, big-as-a-phonebook, photograph-filled tomes that think the trick lies in throwing all the century's imagery and noise and explosiveness together in one place.

Evans addresses more than America, with a broad sampling of international politics (the Locarno conference, the Mukden incident). Jennings, meanwhile, views the world exclusively through American preoccupations (Spanish Civil War = the Abraham Lincoln Brigade + Picasso's *Guernica*). Neither of these books is meant to be *read*, per se. Jennings's is yoked to an ABC/History Channel mini-series, and Evans refers to his as "history for browsers."

Jennings aims at something like history-by-collage. Take, for example, a single two-page spread from his account of the 1960s. It contains 1,100 words of text that try to cover: Robert Kennedy's assassination, race riots, *Rowan & Martin's Laugh-In*, the May 1968 student demonstrations in Paris, the Prague Spring, Eugene McCarthy's campaign for the presidency, the Yippies, LSD, the rise of George Wallace, and the return of Richard Nixon. And scattered among the text like graffiti are snazzy graphic elements: the lyrics of the "I Feel Like I'm Fixin' to Die Rag" that was sung by Country Joe and the Fish at Woodstock, a photo of students occupying Columbia University, an incomprehensible aphorism from a placard at the 1968 Democratic-convention protests ("We are the delicate spoors of the new fierceness that will change America"), and George Wallace's challenge to the anti-war movement ("If any demonstrator ever lays down in front of my car, it'll be the last car he'll ever lay down in front of").

With all this information flying around, there is scarcely a name here that one does not recognize or an event one hasn't heard of, and it's all embedded in an astoundingly simple narrative. That narrative goes like this: Things were fairly peaceful at the turn of the century, although a lot of people suffered from disease. Europe's bored statesmen decided to go to war for no particular reason. Millions died. Then, because of unemployment, absolute evil triumphed. But the postwar generation, acting in perfect wisdom, fixed up the world and cleaned up a few injustices (like the plight of women) that had been utterly ignored before. Since then, there have been threats from fundamentalists and Republicans, but history—through stock-market crashes and violence against women—keeps acting in such a way as to reaffirm our faith in . . . well, whatever. Here, in full, is the history of the military campaign in Europe between D-Day and the surrender of Germany:

> By August, [the Allies] had freed Paris and turned east. But the Germans were not ready to give up.

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Doubleday

Kennedy restrains Johnson during the 1960 campaign.

> They mounted one last strike at the Allies through Belgium in what became known as the Battle of the Bulge (because it pushed a forty-five-mile-wide dent into Allied lines). When Eisenhower's forces broke that offensive, too, the march to the Rhine was easy.

But "a time frame does not by itself make a history," as Jennings himself observes in his introduction. It is rather the dozens of one- and two-page interviews with eyewitnesses to history that make up the meat of the book, with the sketchy narrative serving merely as a trellis on which to hang them. Many of these anecdotes recapture things that were important once but have been forgotten—particularly when they come from witnesses who also shaped events. Victor Reuther, Walter's brother, describes the Depression-era travails of organized labor; the recently deceased Kwame Turé (Stokely Carmichael) covers civil rights. It's the Studs Terkel method, but with a Rolodex.

Still, just as often the anecdotes transport us not into the broad sweep of history but out of it. Like the autobiographical passages on jogging by Kathy Smith (author of the *Ultimate Video Workout*): "Luckily, a friend of mine who was a runner asked me to go out jogging with him. I found that all of this depression, all of this worry, all of this fear, just left, at least for that brief period of time—forty-five minutes to an hour that I was out there running." Similarly, here's bar owner Gus Rodriguez on disco: "Dancing to disco provided me with this incredible release. The music had this fast beat with a great melody behind it. When I danced, I wasn't just moving my legs up and down, I was flowing with the music."

If this is history, it's a history that has given up on judgment and analysis. That can make riveting television narrative. And does. You can buy this book as a compact disc, if you like, and view—rather than read—it. But as history it's taxidermic: not a living, breathing process but random anecdotage stuffed into the carcass of a grade-school syllabus.

Evans's book, too, is heavy on photographs, timelines, and sidebars. But it immediately announces itself as more a history than Jennings's. It begins not in 1900 but in 1889, with the centennial of the American Constitution, and ends in 1989 as the Berlin wall comes down. There is a lot to like about this book, including the thousands of photographs, all of them in black-and-white, of which the most extraordinary is the one appearing on p. 213 beneath this caption: "At a Chicago game in 1931, catcher Gabby Hartnett of the Cubs signs a baseball for Al Capone's 12-year-old son, Sonny, but the movement of a popcorn seller behind Capone is enough to send the bodyguard reaching for his gun."

And yet, *The American Century* is not subservient to its photos and interviews. This is real history, engaging debates with a many-angled fairness. The section on America's drift into World War I is a good example. It notes that changes in policy were carried out primarily through trade. With little deviation from its proclaimed neutrality, America was by 1916 doing only a million dollars in annual trade with the Central Powers and $3.124 billion with the Allies. The question of why America decided to fight still remains, of course, and Evans answers it forcefully:

> In the thirties, revisionist historians and politicians of the left attempted to portray Wilson's decision to go to war as part of a deep-laid plot. . . . But if the profit motive was a persuasive element in the decision to allow trading with belligerents, it cannot explain America's own transition from neutrality to belligerence: Why risk a good thing? Any Daddy Warbucks could calculate that America's entry into the war would sooner or later end the war, and with it the trade in its instruments.

That's a good sampling of the prose, a brawny, 1930s-modernist, urban Americanese. Even when it reaches the level of self-parody, with sentences like—"Poor Herbert

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Knopf

Chicago Cubs' catcher Gabby Hartnett signs a baseball for Al Capone's son.

Hoover!" "Washington buzzed." "Mukden was not an impulse"—it's a delight to read, and would be even without the photos.

Evans's idea of freedom—as the gradual extension of rights to those whom history has left without them—is more of a problem. Here he is on the civil-rights movement:

> The full fury of the white reaction in the South has been gradually diminished in the popular mind. It is probably fair to say that the average German today experiences more shame over the Hitler years than most white Americans do over how they tolerated a cruel persecution of their fellow citizens. To spell it out: The white response to the movement was nearly always indifferent when it wasn't hostile; petty when it wasn't cruel; vicious when it wasn't murderous.

This is both all right and all wrong. To young conservatives, Evans's breezy comparison of Jim Crow and Nazism will reek of the old—the very old—Left. But to young liberals, he is sure to sound anachronistically rightist. His praise for America's largely successful foreign policy—based on Wilson's idea that America fights wars "because we have always said we were the friends and servants of mankind"—is unstinting. His indulgence extends even to Ronald Reagan and Richard Nixon. While deploring McCarthyism, of course, Evans praises (with faint damnation) Nixon during his tenure on the House Un-American Activities Committee as "the fairest and most scrupulous of a vindictive bunch." And he views the Venona cables released by the National Security Archive in 1996 as establishing once and for all that the Soviet spies Julius Rosenberg and Alger Hiss were guilty.

This mix of domestic leftism and hawkish interventionism abroad is, of course, the pragmatic, non-ideology ideology of the immediate American postwar generation. It is the liberalism described in 1949's *The Vital Center* by Arthur Schlesinger Jr. (whom Evans mentions no fewer than nine times). Evans performs, in fact, an impressive feat in assimilating the 1960s anti-war movement and the Reaganism of the 1980s into a Vital Center reading of America. He deals with both these movements by praising their modest reforms and condemning their "excesses"—convincingly for the most part.

But Evans never admits that the challenges they posed to the Vital Center were *systemic*—they went to the core of its viability. People who nowadays praise the Vital Center tend to view it from its strongest point—say, 1949. They ignore that it tends to evolve into something less vital and less centrist. For the 1960s counterculture, the problem was that Vital Center America could be administered only through corporate management and a government that operated like a corporate management, and citizens under such a government must choose between becoming social outcasts and becoming as obedient and conformist as corporate employees. The Reaganite critique was not all that different. It was that Vital Centrism naturally drifts leftwards, that the Best and Brightest who of necessity *run* a Vital Center society are always imperialistically looking for new venues in which to display their Bestness and Brightness, and that the bill for such adventurism is always paid involuntarily by the non-Best and non-Brightest.

But none of this dooms Evans's book. The only two successful histories of the century thus far—Eric Hobsbawm's *The Age of Extremes* (1995) and Paul Johnson's *Modern Times* (in its 1991 revision)—have similar strengths and weaknesses. Both argued from strident points of view: Hobsbawm as a chastened Marxist, Johnson (after an earlier edition ruing the legacy of "relativism") as a prematurely triumphal capitalist. That these histories *both* remain

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engaging—so contradictory that if one is undeniably right the other is undeniably wrong—is evidence that history is ultimately a discipline about narrative and a contest between the viewpoints those narratives serve.

If Evans's book is worthy of joining Hobsbawm's and Johnson's, it's because it respects narrative and respects the idea that people have a purpose. Without that idea, there's no such thing as history. Hobsbawm, Johnson, and Evans, in their different ways, give us myths that are insufficient and in need of repair. Still, until we come to a better understanding of what really drove history in the twentieth century, we need them—because without them, we're left with what Jennings gives us: history as the last draft of journalism. ♦

Left in the New World

Eric Alterman on America's Foreign Policy

By Arch Puddington

The American Left has never quite recovered from the Cold War triumph of democratic capitalism and the demise of socialism. In domestic affairs, the radical imagination offers nothing more inspiring than identity politics and a vague alignment with organized labor. And in foreign affairs, the Left's problems are even more pronounced.

To be sure, some liberals—Anthony Lewis, for example—have made the transition from decrying American military intervention to demanding it all over the globe. But for most of those who still regard themselves as of the Left, the notion of supporting the international deployment of American troops smacks of betrayal. For decades, the Left has beseeched the United States to abandon its adventurism, remove its soldiers from Europe, abolish the CIA, jettison its weapons of mass destruction, and welcome revolutionary experiments in the Third World. And even now, nearly ten years after the Cold War, the Left continues to regard America as a bloated imperial monster that uses its military might not to set men free, but to make the world safe for the global economy.

In his new book, *Who Speaks for America?*, Eric Alterman ostensibly takes up the undemocratic nature of the process by which American foreign policy gets made. But his real subject is the globalism that has become the last remaining bogeyman of the Left. This is hardly surprising: Alterman is a columnist at the *Nation*, which has devoted article after article since the fall of the Berlin Wall to globalism's destructive effects on American workers, families, and cities.

Eric Alterman
Who Speaks for America?
Why Democracy Matters in Foreign Policy
Cornell University Press, 224 pp., $25

A forthright critique of the international economy might have contributed to the debate over America's role in the world. Unfortunately, Alterman has written a book that argues instead for drastic changes in the *process* of American foreign policy. His thesis is unconvincing, his arguments tendentious, and his prescription bizarre.

Alterman contends that the American people no longer exercise democratic authority over their country's conduct. Foreign policy, he claims, is determined solely by a globalist elite of politicians, think-tank experts, businessmen, and media czars. This unholy coalition has rigged the system to delegitimize dissenting opinions. It smothers heretical views by belittling globalism's critics. It compels journalists to exercise self-censorship. It lies to the public about globalism's costs in lost American jobs and a reduced standard of living. It leaves the public confused and unable to articulate its misgivings about their nation's economic policy.

Of course, the complaint of a duped and manipulated public is an old theme of the Left. But Alterman's version would have been strengthened if he had been able to provide evidence that the public wishes for a change. Instead, he quotes opinion polls indicating only that Americans are ambivalent about, not opposed to, their country's role in the world economy. And there is also the inconvenient fact that American voters have had ample opportunity to choose a different course. Pat Buchanan, Ross Perot, Tom Harkin, and Richard Gephardt have all, in varying degrees, made an anti-free trade stance a centerpiece of presidential campaigns, with a notable lack of success.

How did America come to this doleful state? Alterman places part of the blame on the manipulative and underhanded tactics employed by Franklin Roosevelt in his pre-World War II struggle against American isolationism. Roosevelt, Alterman concedes, acted to advance a noble cause. But by evading restrictions imposed by Congress against American involvement in the European conflict, by fostering anti-isolationist organizations, and by deceiving the American people about the government's intentions, Roosevelt paved the way for the entirely igno-

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ble Cold War crusade against communism.

Alterman's rendering of the Cold War is a hodgepodge of revisionist accusations of American repression, censorship, and fear. For a book with pretensions to original thinking, *Who Speaks for America?* is remarkable for stale analysis and intellectual laziness. The Cold War did not slow racial change in America; if anything, Washington's international embarrassment over segregation accelerated civil rights. Alterman's dreary, unoriginal, and overdrawn account of Red hunts and thought control leaves inexplicable America's twentieth-century advances in race relations, voting rights, and cultural expression.

Alterman scoffs at elections as having no impact on policy. In fact, at several crucial junctures, the American people strongly influenced the conduct of the Cold War. In 1972, George McGovern ran on a forthright anti-Cold War platform and was rejected by a landslide. In 1980 and 1984, Jimmy Carter and Walter Mondale offered clear alternatives to Ronald Reagan, and in both instances the voters expressed an overwhelming preference for Reagan's hawkishness.

Alterman does not look kindly on the special-interest groups that lobby for foreign-policy goals. This is somewhat surprising, since the Left once produced an impressive roster of peace organizations and "Hands Off Central America" coalitions. But those groups proved less effective than other constituency organizations whose objectives Alterman regards with dismay. American foreign policy, he contends, "is hostage to an ad hoc process dominated by special interests that are able to exploit the American people's ignorance to bend the nation's policies to their own benefit."

In fact, during the Cold War and since, special-interest lobbying has often served the national interest and added an important moral dimension to American policies. This is especially true of the pressure Jewish groups brought to bear on behalf of Israel and Jews behind the Iron Curtain, something Alterman describes as powerful evidence of the American system's openness to "manipulation." But it is also true of the successful effort of the tiny Baltic-American community to prevent America from recognizing the incorporation of their nations into the Soviet Union, the efforts of Cuban immigrants to encourage an anti-Castro policy, and, more recently, the pressure exerted by evangelical Christians to focus attention on religious persecution in Asia and the Middle East.

To be sure, the process by which foreign-policy decisions are made today is more chaotic than in the past. But it is also more democratic and open to the participation of ordinary citizens. Even today, organized labor's efforts nearly derailed NAFTA and were largely responsible for the defeat of "fast-track" presidential trade authority.

The conclusion of *Who Speaks for America?* consists of what Alterman labels an "immodest proposal" for refashioning the foreign-policy process. It proves to be nothing less than a scheme for removing foreign relations from control by Congress and the president. Instead, power would be invested in a "foreign-policy jury" consisting of some four hundred to five hundred "ordinary citizens" who would be elected on the basis of their biographies and short statements about America's role in the world. The jury would presumably contain the correct racial, ethnic, and gender proportions. It would hear the testimony of government officials, and it would eventually take over policy-making.

This preposterous idea is advanced in the name of saving American democracy. Alterman's real problem, of course, is that his accommodationist, leftist side proved wrong about the Cold War and consequently has little influence on current policy. There is a long tradition of losers blaming the corrupt system—or the deluded people—for their defeats in the war of ideas. It is not a noble tradition, and it is certainly not enriched by Alterman's preaching about America's global conduct or his master plan for the transformation of our democratic system. ♦

Wit, Feeling, and Taste

So, What More Do You Want from a Movie?

By John Podhoretz

A warm conversation between two loving brothers suddenly turns cold and angry and then, just as quickly, turns warm again. The ardent fan of a little-known jazz singer goes to see her idol at an intimate club, and when the singer comes to the bar for a drink, the fan screws up her courage and says, "You were great!"—only to be rudely ignored. An elevator man in a ritzy Manhattan co-op is treated with rare kindness by a tenant—and while he is deeply moved, he also owes a bookie $200 and makes up a cock-and-bull story to get the $200 from the tenant. A furious husband, adamantly denying that he has been having an affair with a woman in his office, pauses to correct his inquisi-

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tive wife: The woman she's asking about is not thirty years old but thirty-four—and with that very specific detail, he gives the game away.

These are moments—wonderful moments, and there are many more of them—in *Living Out Loud*, a new comedy about loneliness in New York. I don't remember the last time I saw a movie I loved as much as this one, which was written and directed by a screenwriter named Richard LaGravenese, whose previous work (*The Fisher King* and the screen adaptations of *The Bridges of Madison County* and *Beloved*) gave no indication he was capable of the wit, feeling, and taste he displays here.

Judith (played by Holly Hunter) is a fortysomething Fifth Avenue matron in the midst of an emotional crisis. The breakup of her sixteen-year marriage to a prominent cardiologist has left her alone and purposeless, wandering through a huge, empty apartment that is shrouded in darkness most of the time, perhaps because Judith can't afford to pay the electric bills.

She is alone because her lifelong friendships couldn't be reconciled with the grand life she and her husband made together in the $2 million apartment and huge country house in Connecticut that are standard issue for the successful New York couple.

Her husband didn't want children, so they didn't have any. One of the most powerful moments in the movie comes when Judith runs into his new wife, who is visibly pregnant. The director does nothing to telegraph Judith's pain at this discovery—no close-ups, no tears. We have gotten to know her so well by this point that we feel for her without being told to. She takes revenge by throwing pieces of a muffin at him during a real-estate settlement.

The new wife is a pediatrician. Judith, who was a medical student when she and her husband married, became a nurse instead. She spends her days taking care of an old woman whose married children don't visit her and who therefore torments her single daughter with her neediness: "I raised you kids by myself without a husband, but did I complain?"

New Line Cinema

Holly Hunter and Danny DeVito share a drink in Living Out Loud.

"Every single day of my life," the daughter responds wearily.

At night, Judith goes to restaurants alone, hoping that somebody, anybody, might reach out to her, invite her to sit down. Unable to sleep, she turns on the TV news and fantasizes reports of her own death: Upper East Side divorcée jumps out of window and lands on ex-husband and new wife, killing them too.

She is rescued from despair by another member of New York's walking wounded—Pat (Danny DeVito), the night elevator operator in her building. He is fifty-two-years old, a dreamer and inveterate gambler who has been thrown out of the house by his wife of twenty-five years and is living with his responsible, world-weary brother in Brooklyn.

At the beginning of the movie, Pat's eighteen-year-old daughter is dying of cancer, and he tries to grease a nurse's palm to get the girl special attention. When he blurts out to Judith that his daughter has died, she impulsively throws her arms around him, and an unusual friendship begins. She takes to visiting Pat, wine bottle in tow, as he sits in a dumpy office off the grand Fifth Avenue lobby in the middle of the night. He thinks they're falling in love, but she explains that the loneliness has gotten so bad for her that she can't sleep.

We watch these two characters and the people with whom they intersect over the course of a year, watch them stumble and then take the first, halting steps toward a new and better life. DeVito, who did a superb job with a similar part eleven years ago in *Tin Men*, is tender and touching; there hasn't been a better performance by an American actor this year.

LaGravenese's script and direction are so sure-footed that the movie overcomes the central problem that Holly Hunter looks at least five years too young to play Judith. But the part is so good, and Hunter so accomplished, that she carries the movie anyway on her slight shoulders.

Nothing much happens by way of plot in *Living Out Loud*, and that is what is so wonderful about it. There's something triumphant about a Hollywood movie that takes up the cudgels for two little people who don't amount to a hill of beans in this crazy world. ♦

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Parody

Inspired by the release of the Tripp-Lewinsky tapes, the National Archives has made public some of the less political conversations contained in the Nixon-era Watergate tapes.

Oval Office

March 3, 1974

Meeting of the President with Advisers: R. Haldeman, J. Ehrlichman, J.S. Magruder, G. Liddy, L. Garment

10:12 a.m.

Ehrlichman: Bob! I love what you've done with your crew cut. It's so cute.

Haldeman: Really?! You really think it's cute? I had it highlighted. It was getting too gray, so I had them mix this lovely shade they call Winter's Willow. I was gonna use platinum ...

Ehrlichman: Oh, I hate platinum. Archibald Cox's crew cut is too platinum. I hate that. On you it would be totally wrong.

Liddy: I was thinking of shaving my head completely. You know, very "King and I"...

Ehrlichman: Trust me, you want to leave a little fuzz around the side, the way I have it. It sort of frames the head that way.

Nixon (weeping): I just can't take it anymore. I just can't take it anymore. I gave John Dean the best years of my presidency and look what he does. Testifies!

Magruder: You're just a president who loves too much, Mr. President. He's not worth it. There are other counsels at the bar.

Nixon: You know what I said when he told me there was a cancer on the presidency? I said, "I love you, Butthead." And I walked straight out into the Rose Garden!

Garment: You should have called him Putzhead. That's a really funny word.

Nixon: If he tried to call, I'd hang up on him. Just hang right up. He's the one who told me not to wear wingtips when I'm photographed walking on the beach.

Magruder: Wingtips look really good on the beach. They contrasted nicely with your calves, Mr. President.

Garment: Does the sea water seep through the little holes?

Ehrlichman: Excuse me, Gordon, are there any Sweet 'N Lows over there? Could you pass me one?

Liddy: I'm afraid I can't, John. I've just set my hand on fire.

Haldeman: You go, girl!

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